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Washington, Tuesday, August 29, 1950

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10155

#### POSSESSION, CONTROL, AND OPERATION OF CERTAIN RAILROADS

WHEREAS I find that as a result of labor disturbances there are interruptions, and threatened interruptions, of the operations of the transportation systems owned or operated by the carriers by railroad named in the list attached hereto and made a part hereof; that it has become necessary to take possession and assume control of the said transportation systems for purposes that are needful or desirable in connection with the present emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation systems:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and the laws of the United States, including the act of August 29, 1916, 39 Stat. 619, 645, as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. Possession, control, and operation of the transportation systems owned or operated by the carriers by railroad named in the list attached hereto and hereby made a part hereof are hereby taken and assumed, through the Secretary of the Army (hereinafter referred to as the Secretary), as of 4 o'clock P. M. Eastern Standard Time, August 27, 1950; but such possession and control shall be limited to real and personal property and other assets used or useful in connection with the operation of the transportation systems of the said carriers. If and when the Secretary finds it necessary or appropriate for carrying out the purposes of this order, he may, by appropriate order, take possession and assume control of all or any part of any transportation system of any other carrier by railroad located in the continental United States.

2. The Secretary is directed to operate, or to arrange for the operation of, the transportation systems taken under, or which may be taken pursuant to, this order in such manner as he deems necessary to assure to the fullest possible ex-

tent continuous and uninterrupted transportation service.

3. In carrying out the provisions of this order the Secretary may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable. The Secretary may issue such general and special orders, rules, and regulations as may be necessary or appropriate for carrying out the provisions, and to accomplish the purposes, of this order. All Federal agencies shall comply with the orders of the Secretary issued pursuant to this order and shall cooperate to the fullest extent of their authority with the Secretary in carrying out the provisions of this order.

4. The Secretary shall permit the management of carriers whose transportation systems have been taken under, or which may be taken pursuant to, the provisions of this order to continue their respective managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Secretary shall from time to time otherwise provide by appropriate order or regulation, the boards of directors, trustees, receivers, officers, and employees of such carriers shall continue the operation of the said transportation systems, including the collection and disbursement of funds thereof, in the usual and ordinary course of the business of the carriers, in the names of their respective companies, and by means of any agencies, associations, or other instrumentalities now utilized by the carriers.

5. Except so far as the Secretary shall from time to time otherwise determine and provide by appropriate orders or regulations, existing contracts and agreements to which carriers whose transportation systems have been taken under, or which may be taken pursuant to, the provisions of this order are parties, shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to any carrier affected hereby, and all payments shall be made by the persons obligated to the carrier to which they are or may become due. Except as the Secretary may otherwise direct, there may be made, in due course,

(Continued on p. 5787)

## CONTENTS

### THE PRESIDENT

Executive Orders	Page
Certain railroads; possession, control and operation.....	5785
Interior Department; designation of certain officers to act as Secretary.....	5789

### EXECUTIVE AGENCIES

#### Agriculture Department

See Commodity Credit Corporation; Industry and Commerce, Office of; Production and Marketing Administration.

#### Alien Property, Office of

##### Notices:

Vesting orders, etc.:

Akiyama, Mrs. Onatsu.....	5822
Albert, Hans.....	5823
Beyer, Christian.....	5823
Burklin, Karl.....	5823
Candido, Guiseppina Pagliaro.....	5827
Chemical Marketing Co., Inc., and American Cyanamid & Chemical Corp.....	5822
Furuhara, Saiechi.....	5823
German nationals, copyrights (4 documents).....	5824-5826
Hessling, Susan Buchanan.....	5821
Lorenz, Gotthelf Emil, and Heinrich Erwin Lorenz.....	5819
Nishi, Seltaro and Fuki Nishi.....	5821
Oehmichen, Albert.....	5819
Ottzenn, Paula.....	5820
Pavlik, Mrs. Mary.....	5826
Roeder, Carl.....	5820
Title Guarantee and Trust Co.....	5827
Uyehara, Tozi.....	5821

#### Civil Aeronautics Board

##### Proposed rule making:

Flight curriculum, primary flying school; extension of termination date.....	5309
--	------

#### Commerce Department

See Federal Maritime Board; National Bureau of Standards.

#### Commodity Credit Corporation

##### Notices:

Contracting officers; delegation of authority in connection with 1950 Peanut Price Support Program.....	5811
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# FEDERAL REGISTER

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## CONTENTS—Continued

<b>Customs Bureau</b>	Page
Rules and regulations:	
Vessels in foreign and domestic trade; exemption from special tonnage tax and light money; Japan.....	5796
<b>Federal Maritime Board</b>	
Notices:	
Member lines of Atlantic and Gulf/West Coast of South America Conference et al.; agreements filed for approval.....	5811
<b>Federal Power Commission</b>	
Notices:	
Hearings, etc.:	
Cities Service Gas Co. and Ohio Fuel Gas Co.....	5814
Florida Power Corp.....	5814

## CONTENTS—Continued

<b>Federal Power Commission—Continued</b>	Page
Notices—Continued	
Hearings, etc.—Continued	
Mississippi River Fuel Corp.....	5814
Phillips Petroleum Co.....	5814
<b>Federal Security Agency</b>	
See Food and Drug Administration.	
<b>Federal Trade Commission</b>	
Rules and regulations:	
Dila-Therm Co., Inc., et al.; cease and desist order.....	5796
<b>Food and Drug Administration</b>	
Proposed rule making:	
Bakery products; definitions and standards of identity; extension of time for filing exceptions to tentative order.....	5810
<b>Foreign and Domestic Commerce Bureau</b>	
See Industry and Commerce, Office of.	
<b>Industry and Commerce, Office of</b>	
Rules and regulations:	
Allocation orders; rubber, synthetic rubber and products thereof.....	5794
<b>Interior Department</b>	
See also Land Management, Bureau of.	
Designation of certain officers to act as Secretary (see Executive orders).	
Notices:	
Office of Territories; delegation of authority.....	5811
<b>Interstate Commerce Commission</b>	
Rules and regulations:	
Car service:	
Railroad freight cars to be stopped to complete loading.....	5797
Refrigerator and stock cars for transporting alfalfa meal or any commodity suitable for movement in such cars.....	5797
<b>Justice Department</b>	
See Alien Property, Office of.	
<b>Land Management, Bureau of</b>	
Notices:	
Arizona; classification order.....	5810
Nevada; opening of public lands.....	5810
<b>National Bureau of Standards</b>	
Notices:	
Description of organization and procedures.....	5812
<b>Production and Marketing Administration</b>	
Proposed rule making:	
Milk, in Akron, Ohio, area:	
Decision with respect to proposed marketing agreement and order.....	5797
Order directing referendum be conducted among producers; determination of a representative period; designation of agent to conduct such referendum.....	5803

## CONTENTS—Continued

<b>Production and Marketing Administration—Continued</b>	Page
Proposed rule making—Continued	
Potatoes, Irish, in Wyoming and Western Nebraska:	
Decision with respect to proposed marketing agreement and order.....	5803
Order directing referendum be conducted among producers; determination of a representative period; designation of agents to conduct such referendum.....	5809
Tobacco inspection; announcement of referenda in connection with proposed designation of auction markets of Mayfield, Murray, and Paducah, Ky.....	5797
<b>Rules and regulations:</b>	
Sugar:	
Determination of prices; sugarcane:	
Florida, 1950 crop.....	5791
Puerto Rico, 1949-50 crop.....	5793
Virgin Islands, 1950 crop.....	5794
Requirements and quotas, 1950:	
Continental U. S.; requirements.....	5789
Puerto Rico; allotment of quotas.....	5791
Quotas and prorations of quota deficits.....	5790
<b>Securities and Exchange Commission</b>	
Notices:	
Hearings, etc.:	
Columbia Gas System, Inc., and Cumberland and Allegheny Gas Co.....	5816
Columbia Gas System, Inc., and Natural Gas Co. of West Virginia.....	5817
Middle South Utilities, Inc., and New Orleans Public Service Inc.....	5817
Mississippi Gas Co.....	5818
Philadelphia Co. and Standard Gas and Electric Co.....	5814
United Gas Corp. and Electric Bond and Share Co.....	5818
<b>State Department</b>	
Rules and regulations:	
Arms, ammunition, and implements of war, international traffic; shipments under Mutual Defense Assistance Act of 1949.....	5796
<b>Treasury Department</b>	
See Customs Bureau.	
<b>CODIFICATION GUIDE</b>	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
<b>Title 3</b>	Page
Chapter II (Executive orders):	
9866 (superseded by EO 10156), 10155.....	5785
10156.....	5789
<b>Title 7</b>	
Chapter I:	
Part 29 (proposed).....	5797

## CODIFICATION GUIDE—Con.

Title 7—Continued	Page
Chapter VIII:	
Part 811.....	5789
Part 813.....	5790
Part 814.....	5791
Part 873.....	5791
Part 877.....	5793
Part 878.....	5794
Chapter IX:	
Part 915 (proposed) (2 documents).....	5797, 5803
Part 917 (proposed) (2 documents).....	5803, 5809
Title 14	
Chapter I:	
Part 50 (proposed).....	5809
Title 15	
Chapter III:	
Part 338.....	5794
Title 16	
Chapter I:	
Part 3.....	5796
Title 19	
Chapter I:	
Part 4.....	5796
Title 21	
Chapter I:	
Part 17 (proposed).....	5810
Title 22	
Chapter I:	
Part 75.....	5796
Title 49	
Chapter I:	
Part 95 (2 documents).....	5797

payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations; and expenditures may be made for other ordinary corporate purposes.

6. Until further order of the President or the Secretary, the said transportation systems shall be managed and operated under the terms and conditions of employment in effect on August 20, 1950, without prejudice to existing equities or to the effectiveness of such retroactive provisions as may be included in the final settlement of the disputes between the carriers and the workers. The Secretary shall recognize the right of the workers to continue their membership in labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the owners of the carriers, subject to the provisions of applicable law, as to disputes between the carriers and the workers; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that in his opinion such concerted activities do not interfere with the operation of the transportation systems taken hereunder, or which may be taken pursuant hereto.

7. Except as this order otherwise provides and except as the Secretary may otherwise direct, the operation of the transportation systems taken hereunder, or which may be taken pursuant hereto, shall be in conformity with the Interstate Commerce Act, as amended, the

Railway Labor Act, as amended, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances, and rules and regulations issued pursuant to such laws, Executive orders, and ordinances.

8. Except with the prior written consent of the Secretary, no receivership, reorganization, or similar proceeding affecting any carrier whose transportation system is taken hereunder, or which may be taken pursuant hereto, shall be instituted; and no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets of any such carrier; provided that nothing herein shall prevent or require approval by the Secretary of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

9. The Secretary is authorized to furnish protection for persons employed or seeking employment in or with the transportation systems of which posses-

sion is taken hereunder, or which may be taken pursuant hereto; to furnish protection for such transportation systems; and to furnish equipment, manpower, and other facilities or services deemed necessary to carry out the provisions and to accomplish the purposes of this order.

10. From and after 4 o'clock P. M., Eastern Standard Time, on the said 27th day of August, 1950, all properties taken under, or which may be taken pursuant to, this order shall be conclusively deemed to be within the possession and control of the United States without further act or notice.

11. Possession, control, and operation of any transportation system, or any part thereof, or of any real or personal property taken under, or which may be taken pursuant to, this order shall be terminated by the Secretary when he determines that such possession, control, and operation are no longer necessary to carry out the provisions and to accomplish the purposes of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,  
August 25, 1950.

LIST	
EASTERN REGION	
Corporate name of railroad	Location of operating headquarters
The Ann Arbor R. R. Co.	Owosso, Mich.
Boston & Albany R. R. (the New York Central R. R. Co., lessee)	New York, N. Y.
Boston & Maine R. R.	Boston, Mass.
The Buffalo Creek R. R. Co. (Erie R. R. Co. & Lehigh Valley R. R. Co., lessees)	Buffalo, N. Y.
Canadian National Ry. Co. Lines in New England	Montreal, Quebec.
Canadian Pacific Ry. Co. Lines in New England	Do.
Central Vermont Ry., Inc.	St. Albans, Vt.
The Champlain & St. Lawrence R. R. Co. (Canadian National Ry. Co., lessee)	Montreal, Quebec.
The Chesapeake & Ohio Ry. Co., Pere Marquette District	Detroit, Mich.
Chicago, Indianapolis & Louisville Ry. Co.	Lafayette, Ind.
The Chicago River & Indiana R. R. Co.	Chicago, Ill.
The Cincinnati Union Terminal Co.	Cincinnati, Ohio.
The Cleveland Union Terminals Co.	Cleveland, Ohio.
The Delaware & Hudson R. R. Corp.	Albany, N. Y.
The Delaware, Lackawanna & Western R. R. Co.	New York, N. Y.
The Detroit & Toledo Shore Line R. R. Co.	Detroit, Mich.
Detroit Terminal R. R. Co.	Do.
Detroit, Toledo & Ironton R. R. Co.	Dearborn, Mich.
Erie Railroad Co.	Cleveland, Ohio.
The Federal Valley R. R. Co.	Do.
The Fort Street Union Depot Co.	Detroit, Mich.
Grand Trunk Western R. R. Co.	Do.
Indiana Harbor Belt R. R. Co.	Chicago, Ill.
The Lake Terminal R. R. Co.	Lorain, Ohio.
Lehigh & New England R. R. Co.	Bethlehem, Pa.
Lehigh Valley R. R. Co.	New York, N. Y.
The Lorain & West Virginia Ry. Co.	Cleveland, Ohio.
Louisville & Jeffersonville Bridge & R. R. Co.	New York, N. Y.
Maine Central R. R. Co.	Portland, Maine.
The Monongahela Ry. Co.	Pittsburgh, Pa.
Montour R. R. Co.	Do.
The New York Central R. R. Co.	New York, N. Y.
New York Central R. R.—Buffalo and east.	
New York Central R. R.—West of Buffalo.	
Michigan Central R. R.	
Cincinnati, Cleveland, Chicago & St. Louis Ry.	
Peoria & Eastern Ry.	
Ohio Central.	
The New York, Chicago & St. Louis R. R. Co.	Cleveland, Ohio.
The New York, New Haven & Hartford R. R. Co.	New Haven, Conn.
New York, Ontario & Western Ry.	Middletown, N. Y.
Northampton & Bath R. R. Co.	Northampton, Pa.
The Pittsburgh & Lake Erie R. R. Co.	Pittsburgh, Pa.
The Pittsburgh & West Virginia Ry. Co.	Do.
Pittsburgh, Chartiers & Youghiogheny Ry. Co.	Do.
Portland Terminal Co.	Portland, Maine.

## List—Continued

## EASTERN REGION—continued

Corporate name of railroad	Location of operating headquarters
Toledo, Peoria & Western R. R.	Peoria, Ill.
The River Terminal Ry. Co.	Cleveland, Ohio.
Union Freight R. R. Co. (Boston, Mass.)	Boston, Mass.
The United States & Canada R. R. Co. (Canadian National Ry. Co., lessee).	Montreal, Quebec.
Wabash R. R. Co.	St. Louis, Mo.
ALLEGHENY REGION	
The Akron, Canton & Youngstown R. R. Co.	Akron, Ohio.
The Baltimore & Ohio Chicago Terminal R. R. Co.	Chicago, Ill.
The Baltimore & Ohio R. R. Co.	Baltimore, Md.
Bessemer & Lake Erie R. R. Co.	Pittsburgh, Pa.
Brooklyn Eastern District Terminal	Brooklyn, N. Y.
Bush Terminal R. R. Co.	Do.
Chicago Union Station Co.	Chicago, Ill.
The Central R. R. Co. of New Jersey	Jersey City, N. J.
Central R. R. Co. of Pennsylvania	Do.
Curtis Bay R. R. Co.	Baltimore, Md.
Hudson & Manhattan R. R. Co.	New York, N. Y.
The Huntington & Broad Top Mountain R. R. & Coal Co. (C. Stevenson Newhall, trustee).	Huntingdon, Pa.
The Indianapolis Union Ry. Co.	Indianapolis, Ind.
The Jay Street Connecting R. R.	Brooklyn, N. Y.
The Long Island R. R. Co. (David E. Smucker and Hunter L. Delatour, trustees).	Jamaica, N. Y.
McKeesport Connecting R. R. Co.	Pittsburgh, Pa.
New York Dock Ry.	Brooklyn, N. Y.
The Pennsylvania R. R. Co.	Philadelphia, Pa.
Baltimore & Eastern R. R. Co.	Do.
Pennsylvania-Reading Seashore Lines	Camden, N. J.
Reading Co.	Philadelphia, Pa.
The Staten Island Rapid Transit Ry. Co.	New York, N. Y.
The Washington Terminal Co.	Washington, D. C.
SOUTHEASTERN REGION	
The Alabama Great Southern R. R. Co.	Washington, D. C.
Atlantic Coast Line R. R. Co.	Wilmington, N. C.
Atlanta & West Point R. R. Co.	Atlanta, Ga.
Central of Georgia Ry. Co.	Savannah, Ga.
Charleston & Western Carolina Ry. Co.	Wilmington, N. C.
Cincinnati, Burnside & Cumberland River Ry. Co.	Washington, D. C.
The Cincinnati, New Orleans & Texas Pacific Ry. Co.	Do.
Clinchfield R. R. Co.	Erwin, Tenn.
Florida East Coast Ry. Co. (Scott M. Lottin and John W. Martin, trustees).	St. Augustine, Fla.
Georgia R. R.	Atlanta, Ga.
Georgia Southern & Florida Ry. Co.	Washington, D. C.
Gulf, Mobile & Ohio R. R. Co.	Mobile, Ala.
Hartman & Northeastern R. R. Co.	Washington, D. C.
Illinois Central R. R. Co.	Chicago, Ill.
Chicago & Illinois Western R. R.	Do.
Jacksonville Terminal Co.	Jacksonville, Fla.
Kentucky & Indiana Terminal R. R. Co.	Louisville, Ky.
Louisville & Nashville R. R. Co.	Do.
The Nashville, Chattanooga & St. Louis Ry.	Nashville, Tenn.
New Orleans & Northeastern R. R. Co.	Washington, D. C.
Norfolk Southern Ry. Co.	Norfolk, Va.
Richmond, Fredericksburg & Potomac R. R. Co.	Richmond, Va.
Seaboard Air Line R. R. Co.	Norfolk, Va.
Southern Ry. Co.	Washington, D. C.

## List—Continued

## SOUTHEASTERN REGION—continued

Corporate name of railroad	Location of operating headquarters
Tennessee Central Ry. Co.	Nashville, Tenn.
The Western Railway of Alabama	Atlanta, Ga.
New Orleans Terminal Co.	Washington, D. C.
St. Johns River Terminal Co.	Do.
Atlanta Terminal Co.	Atlanta, Ga.
POCAHONTAS REGION	
The Chesapeake & Ohio Ry. Co., Chesapeake District.	Richmond, Va.
Norfolk & Portsmouth Belt Line R. R. Co.	Norfolk, Va.
Norfolk & Western Ry. Co.	Roanoke, Va.
The Virginia Ry. Co.	Norfolk, Va.
CENTRAL WESTERN REGION	
The Atchafalaya, Topeka & Santa Fe Ry. Co.	Chicago, Ill.
The Belt Ry. Co. of Chicago	Do.
Chicago & Eastern Illinois R. R. Co.	Do.
Chicago & Illinois Midland Ry. Co.	Springfield, Ill.
Chicago, Burlington & Quincy R. R. Co.	Chicago, Ill.
The Colorado & Southern Ry. Co.	Denver, Colo.
Davenport, Rock Island & Northwestern Ry. Co.	Davenport, Iowa.
The Denver & Rio Grande Western R. R. Co.	Denver, Colo.
Northwestern Pacific R. R. Co.	San Rafael, Calif.
Los Angeles Junction Ry. Co.	Los Angeles, Calif.
Chicago & Western Indiana R. R. Co.	Chicago, Ill.
The Ogden Union Railway & Depot Co.	Ogden, Utah.
Oregon, California & Eastern Ry. Co.	San Francisco, Calif.
Peoria & Pekin Union Ry. Co.	Klamath Falls, Oreg.
San Diego & Arizona Eastern Ry. Co.	Peoria, Ill.
St. Joseph Terminal R. R. Co.	San Diego, Calif.
Union Pacific R. R. Co.	St. Joseph, Mo.
The Western Pacific R. R. Co.	Omaha, Neb.
The Colorado & Wyoming Ry. Co.	525 Mission St., San Francisco, Calif.
Southern Pacific Co.	Denver, Colo.
SOUTHWESTERN REGION	
Abilene & Southern Ry. Co.	Dallas, Tex.
Alton & Southern R. R.	East St. Louis, Ill.
Ashterton & Gulf Ry. Co.	Houston, Tex.
Asphalt Belt Ry. Co.	Do.
The Beaumont, Sour Lake & Western Ry. Co.	Do.
East St. Louis Junction R. R. Co.	National Stock Yards, Ill.
Fort Worth & Denver City Ry. Co.	Fort Worth, Tex.
Galveston, Houston & Henderson R. R. Co.	Galveston, Tex.
Gulf, Colorado & Santa Fe Ry. Co.	Do.
Houston & Brazos Valley Ry. Co.	Houston, Tex.
Houston Belt & Terminal Ry. Co.	Do.
International-Great Northern R. R. Co.	Do.
The Kansas City Southern Ry. Co.	Do.
Kansas City Terminal Ry. Co.	Do.
Kansas, Oklahoma & Gulf Ry. Co.	Muskogee, Okla.
Louisiana & Arkansas Ry. Co.	Kansas City, Mo.
Manufacturers Ry. Co.	St. Louis, Mo.
Midland Valley R. R. Co.	Muskogee, Okla.
Missouri-Kansas-Texas R. R. Co.	St. Louis, Mo.
Missouri-Kansas-Texas R. R. Co. of Texas.	Dallas, Tex.
Missouri Pacific R. R. Co.	St. Louis, Mo.
New Iberia & Northern R. R. Co.	Houston, Tex.
New Orleans, Texas & Mexico Ry. Co.	Do.

## List—Continued

## SOUTHWESTERN REGION—continued

Corporate name of railroad	Location of operating headquarters
Oklahoma City-Ada-Atoka Ry. Co.	Muskogee, Okla.
The Orange & Northwestern R. R. Co.	Houston, Tex.
Panhandle & Santa Fe Ry. Co.	Amarillo, Tex.
Rio Grande City Ry. Co.	Houston, Tex.
San Antonio Southern Ry. Co.	Do.
San Antonio, Uvalde & Gulf R. R. Co.	Do.
San Benito & Rio Grande Valley Ry. Co.	Do.
The St. Louis, Brownsville & Mexico Ry. Co.	Do.
St. Louis-San Francisco Ry. Co.	St. Louis, Mo.
St. Louis-San Francisco & Texas Ry. Co.	Do.
St. Louis Southwestern Ry. Co.	Do.
St. Louis Southwestern Ry. Co. of Texas	Do.
Sugar Land Ry. Co.	Houston, Tex.
Terminal R. R. Association of St. Louis	St. Louis, Mo.
Texas & New Orleans R. R. Co.	Houston, Tex.
The Texas & Pacific Ry. Co.	Dallas, Tex.
The Texas Mexican Ry. Co.	Laredo, Tex.
Texas-New Mexico Ry. Co.	Dallas, Tex.
Texas Pacific—Missouri Pacific Terminal R. R. of New Orleans	New Orleans, La.
Texas Short Line Ry. Co.	Dallas, Tex.
Union Ry. Co. (Memphis, Tenn.)	Memphis, Tenn.
The Union Terminal Co.	Dallas, Tex.
The Weatherford, Mineral Wells & Northwestern Ry. Co.	Do.
The Wichita Valley Ry. Co.	Fort Worth, Tex.
Forth Worth Belt Ry. Co.	Dallas, Tex.

## NORTHWESTERN REGION

Camas Prairie R. R. Co.	Lewiston, Idaho.
Chicago & North Western Ry. Co.	Chicago, Ill.
Chicago Great Western Ry. Co.	Do.
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	Do.
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	Do.
Duluth, Missabe & Iron Range Ry. Co.	Duluth, Minn.
Iron Range Division.	
Missabe Division.	
Duluth, South Shore & Atlantic R. R. Co.	Marquette, Mich.
Duluth, Winnipeg & Pacific Ry. Co.	Montreal, Quebec.
Elgin, Joliet & Eastern Ry. Co.	Chicago, Ill.
Great Northern Ry. Co.	St. Paul, Minn.
Green Bay & Western R. R. Co.	Green Bay, Wis.
The Minneapolis & St. Louis Ry. Co.	Minneapolis, Minn.
Minneapolis, St. Paul & Sault Ste. Marie R. R. Co.	Do.
The Minnesota Transfer Ry. Co.	St. Paul, Minn.
Northern Pacific Ry. Co.	Do.
The Northern Pacific Terminal Co. of Oregon	Portland, Oreg.
Oregon Electric Ry. Co.	Do.
Oregon Trunk Co.	Do.
Sioux City Terminal Ry. Co.	Sioux City, Iowa.
Spokane, Portland & Seattle Ry. Co.	Portland, Oreg.
The Saint Paul Union Depot Co.	St. Paul, Minn.
Des Moines Union Ry. Co.	Des Moines, Iowa.
The Railway Transfer Co. of the City of Minneapolis	Minneapolis, Minn.
Kewaunee Green Bay & Western R. R. Co.	Green Bay, Wis.

[F. R. Doc. 50-7556; Filed, Aug. 25, 1950; 4:15 p. m.]

## EXECUTIVE ORDER 10156

## DESIGNATION OF CERTAIN OFFICERS OF THE DEPARTMENT OF THE INTERIOR TO ACT AS SECRETARY OF THE INTERIOR

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is ordered as follows:

1. (a) The Under Secretary of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary of the Interior.

(b) The ranking Assistant Secretary of the Interior present shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of both the Secretary of the Interior and the Under Secretary of the Interior.

(c) The Solicitor of the Department of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary, the Under Secretary, and the Assistant Secretaries of the Interior.

2. The Assistant Secretary of the Interior whose commission bears the earliest date, or, if the commissions of Assistant Secretaries bear the same date, the Assistant Secretary who first took the oath of office, shall be considered the ranking Assistant Secretary of the Interior for the purposes of paragraph 1 (b) of this order.

3. This order supersedes Executive Order No. 9866 of June 14, 1947, entitled "Designation of Officers To Act as Secretary of the Interior."

HARRY S. TRUMAN

THE WHITE HOUSE,

August 26, 1950.

[F. R. Doc. 50-7596; Filed, Aug. 28, 1950; 10:47 a. m.]

13 CFR, 1947 Supp.

## RULES AND REGULATIONS

## TITLE 7—AGRICULTURE

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

## Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 2]

## PART 811—SUGAR REQUIREMENTS; CONTINENTAL UNITED STATES

## REQUIREMENTS FOR 1950

**Basis and purpose.** The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of

sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1950 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary

that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C., Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determi-

nation of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1950, as amended, (14 F. R. 7751; 15 F. R. 4578) is hereby revised to read as follows:

§ 811.2 *Sugar requirements, 1950.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1950 is hereby determined to be 8,700,000 short tons, raw value.

*Statement of bases and considerations.* On July 13, 1950, it was announced that the quantity of sugar needed to meet requirements of consumers in the continental United States during the calendar year 1950 was 7,850,000 short tons, raw value. This was an increase of 350,000 tons, needed to meet an increase in demand reflected in distribution of 170,000 tons more sugar by June 30 in 1950 over 1949. Distribution from July 1 to August 12 indicates a continuation of such increase in demand, the quantity distributed exceeding that for the corresponding period of 1949 by about 525,000 short tons, raw value.

Since late June consumers have been purchasing sugar for the purpose of increasing their stocks in addition to meeting their requirements for current utilization. It is impossible to determine in advance to what extent consumers will undertake to add to their stocks. For 1941 when a similar purchasing movement was in effect throughout the year, distribution rose to nearly 1,200,000 tons over that of the previous year. It has been reported also that in many instances consumers have purchased sugar at prices in excess of the established market level. The quantity of 8,700,000 tons now provided is intended to meet the demands for utilization and stocks in 1950, and to assure that prices will not be excessive to consumers.

Except to the extent modified herein, the Statements of Bases and Considerations contained in the determinations dated December 22, 1949, and July 13, 1950, are unchanged.

(Sec 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 23d day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-7478; Filed, Aug. 28, 1950;  
8:46 a. m.]

[Sugar Reg. 813, Amdt. 3]

#### PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

##### DETERMINATION AND PRORATION OF 1950 QUOTAS

*Basis and purpose.* The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar consumption requirements made by the Secretary of Agriculture on August 23, 1950, and to prorate to domestic areas

having sugar available a deficit in the quota for Cuba as increased pursuant to that action.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and the consumption estimate shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus the statute states specifically how quotas are to be revised when there is a change in the estimate of consumption requirements.

The Sugar Act provides, also, that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit. The proration to domestic areas made herein should permit the marketing of all supplies such areas are able to market.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interests. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 813 (14 F. R. 7753), as amended (15 F. R. 3861, 4676), establishing sugar quotas for 1950 is hereby amended as hereinafter set forth.

1. Section 813.12 is changed to read:

§ 813.12 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1950 the following quotas:

Quotas in terms of short tons, raw value	
Area:	
Republic of the Philippines.....	982,000
Cuba.....	3,403,080
Other foreign countries.....	46,920

2. Paragraphs (c) and (d) are added to § 813.13 as follows:

§ 813.13 *Determination and proration of area deficits.* \* \* \*

(c) *Deficit in quota for Cuba.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1950 Cuba will be unable by an amount of 400,000 short tons, raw value, to market the quota established for that area in § 813.12.

(d) *Proration of deficit in quota for Cuba.* An amount of sugar equal to the deficit determined in paragraph (c) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act as follows:

Additional quotas, short tons, raw value	
Area:	
Domestic beet sugar.....	100,000
Mainland cane sugar.....	46,831
Hawaii.....	98,594
Puerto Rico.....	150,545
Virgin Islands.....	4,000

3. Paragraph (a) of § 813.14 is changed to read as follows:

§ 813.14 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines—(a) Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Prorations in pounds, raw value	
Country:	
Belgium.....	555,459
Canada.....	1,064,847
China and Hong Kong.....	543,769
Czechoslovakia.....	496,940
Dominican Republic.....	12,585,686
Dutch East Indies.....	398,953
Guatemala.....	632,074
Haiti.....	1,739,399
Honduras.....	6,478,421
Mexico.....	11,384,200
Netherlands.....	411,185
Nicaragua.....	19,290,505
Peru.....	20,976,080
Salvador.....	15,492,306
United Kingdom.....	661,828
Venezuela.....	547,332
Other countries.....	81,016
Subtotal.....	93,340,000
Unallotted reserve.....	500,000

Total..... 93,840,000

#### STATEMENT OF BASES AND CONSIDERATIONS

A. *Basic quotas.* The increase represented by the revision of the sugar requirements determination issued on August 1950, is prorated in its entirety to Cuba (98.64 percent) and Other Foreign Countries (1.36 percent) in accordance with subsection (c) of section 202 of the act, basic quotas for the domestic areas and for the Republic of the Philippines remaining at the levels fixed in subsections (a) and (b) of that section.

B. *Deficit in quota for Cuba.* The above amendment to § 813.12 includes an increase in the quota for Cuba amounting to 838,440 short tons, raw value, over the quota effective on July 21. The Commodity Credit Corporation owns in Cuba about 600,000 short tons. No other significant quantity of Cuban sugar is available for shipment to the continental United States against the increase in quota. Normal marketing of the current crop of Cuban sugar in each calendar year provides for a year-end carry-over in Cuba for shipment during January and February to maintain refinery operations pending availability of new-crop sugar. For the ten years, 1940-49, year-end stocks in Cuba have averaged 634,000 short tons, the range being 324,000 to 1,804,000 tons. The United States market has depended upon these stocks and limited shipments of new crop sugar during January and February to the average (1941-50) extent of 499,000 short tons, raw value, the range of January-February receipts from Cuba during this

period having been from about 320,000 tons to 782,000 tons. In keeping with this normal supply pattern, the Commodity Credit Corporation intends to retain in Cuba approximately 165,000 short tons to meet shipping requirements in early 1951 and other possible needs. Therefore, the quota for Cuba will not be filled by 400,000 short tons of sugar, raw value, and a deficit equal to this quantity in the 1950 quota for Cuba is determined.

Subsection (a) of section 204 of the act provides that such a deficit shall be prorated to the domestic producing areas on the basis of quotas then in effect. The amendment of paragraph (d) of § 813.13 sets forth the results obtained by prorating on the basis of existing quotas (a) the Cuban deficit and (b) a deficit in the resulting quota for the domestic beet sugar area to Puerto Rico (except as limited by its ability to

market) and to the Virgin Islands. The mainland cane sugar area and Hawaii were excluded from the prorations pursuant to (b), above, because of their inability to market sugar in excess of the quotas established pursuant to (a) above. The quotas finally resulting will permit marketing in 1950, limited only by the practicability of shipping small "left-over" lots, of the entire inventory in Puerto Rico and the Virgin Islands, the entire inventory and prospective production in 1950 in Hawaii, and substantially more than the highest previous marketings in the current calendar year of new crop domestic beet sugar and mainland cane sugar.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATION OF DEFICITS AND ADJUSTED QUOTAS FOR 1950

(Short tons, raw value)

Production area	Basic quota	Proration of deficits in quotas		Adjusted quotas
		First and second Philippine	Cuba	
Domestic beet.....	1,800,000		100,000	1,900,000
Mainland cane.....	500,000		46,861	546,861
Hawaii.....	1,052,000		58,594	1,110,594
Puerto Rico.....	910,000		50,545	1,060,545
Virgin Islands.....	6,000		4,000	10,000
Philippines.....	982,000	(450,000)		532,000
Cuba.....	3,403,080	427,500	(400,000)	3,430,580
Other foreign countries:				
Belgium.....	277.7	88.7		366.4
Canada.....	532.4	170.0		702.4
China and Hongkong.....	271.9	86.8		358.7
Czechoslovakia.....	248.5	79.3		327.8
Dominican Republic.....	6,292.8	4,031.0		10,323.8
Dutch East Indies.....	199.5	63.7		263.2
Guatemala.....	316.0	100.9		416.9
Haiti.....	869.7	537.1		1,406.8
Honduras.....	3,339.2	1,634.2		4,973.4
Mexico.....	5,002.0	3,046.2		8,048.2
Netherlands.....	205.6	65.6		271.2
Nicaragua.....	9,645.2	3,079.4		12,724.6
Peru.....	10,488.1	6,718.2		17,206.3
Salvador.....	7,746.1	2,473.1		10,219.2
United Kingdom.....	331.0	105.6		436.6
Venezuela.....	223.7	87.3		311.0
Other countries.....	40.6	12.9		53.5
Unallotted.....	230.0	100.0		330.0
Subtotal.....	46,920.0	22,500.0		69,420.0
Total.....	8,700,000			8,700,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 23d day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-7479; Filed, Aug. 28, 1950; 8:47 a. m.]

[Sugar Reg. 814.3, Amdt. 3]

#### PART 814—ALLOTMENT OF SUGAR QUOTAS PUERTO RICO, 1950

**Basis and purpose.** This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of rescinding § 814.3 (15 F. R. 2400, 3982, 5153) which allots the 1950 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar

transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1950 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments".

Amendment to § 813.13 issued on August 23, 1950,<sup>1</sup> increased the 1950 main-

<sup>1</sup> See F. R. Doc. 50-7479, *supra*

land quota for Puerto Rico to a total of 1,056,000 short tons, raw value. Section 812.3 (15 F. R. 19) established a local quota of 105,000 short tons, raw value. The sum of these quotas is 1,165,545 short tons raw value. January 1, 1950, inventories of Puerto Rican sugar not charged to 1949 quotas and 1950 production of sugar in Puerto Rico aggregate 1,390,000 short tons, raw value. Of this quantity about 220,000 short tons, raw value, have been shipped to other destinations leaving a total of about 1,170,000 short tons, raw value, theoretically available for shipment to the mainland, local marketing and December 31, 1950, stocks. However, between 4,000 and 5,000 short tons of sugar have been refined in excess of the quantity that may be sold for local consumption or brought to the mainland within the direct-consumption limitation of 126,033 short tons, raw value, some sugar is lost subsequent to production, and shipment is impractical for scattered small quantities until additional quantities are available from 1951 production. Processors in Puerto Rico, will, therefore, be unable to market on the mainland and in Puerto Rico in 1950 a quantity of sugar in excess of existing quotas. In these circumstances, no purpose would be served by continuing in force the allotments of the quotas.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the increase in quota referred to above and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest. The amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, § 814.3 is hereby rescinded. (Sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 23d day of August 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,  
Secretary.

[F. R. Doc. 50-7480; Filed, Aug. 28, 1950; 8:47 a. m.]

#### Subchapter I—Determination of Prices [Sugar Determination 873.3]

#### PART 873—SUGARCANE; FLORIDA 1950 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on May 6, 1950, the following determination is hereby issued:

§ 873.3 Fair and reasonable prices for the 1950 crop of Florida sugarcane.

Processor-producers of sugarcane in Florida who apply for payments under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1950 crop, if the requirements of this determination are met.

(a) *Definitions.* For the purpose of this section, the term:

(1) "Price of raw sugar" means the price of 96° raw sugar in New York (duty paid basis, delivered) as determined in prior years; except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination.

(2) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor-producer, from which has been deducted the weight of trash determined in the customary manner.

(4) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than \$1.10 per ton for each one cent of the average price of raw sugar determined in accordance with whichever of the following options is agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period beginning October 13, 1950 through May 24, 1951.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor-producer and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Except for salvage sugarcane, net sugarcane shall be converted to standard sugarcane by applying to the average sucrose content of all sugarcane delivered by a producer during the optional period agreed upon under paragraph (b) (1) of this section, the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice: <sup>1</sup>	Standard sugarcane quality factor
9.5.....	0.70
10.0.....	.75
10.5.....	.80
11.0.....	.85
11.5.....	.90
12.0.....	.95
12.5.....	1.00
13.0.....	1.05
13.5.....	1.10
14.0.....	1.15
14.5.....	1.20
15.0.....	1.25
15.5.....	1.30

<sup>1</sup> Intermediate points within the scale are to be in proportion. Points above 15.5 percent sucrose in the normal juice are to be in proportion to the immediately preceding interval.

(d) *Molasses payment.* On each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to three times the amount, if any,

by which the average net liquidation from the disposal of blackstrap or final molasses exceeds 4.75 cents per gallon, i. e. b. sugarhouse tanks, during the twelve months period ending May 31, 1951.

(e) *General.* (1) The established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, and definitions of delivery points, delivery schedules and similar terms, as employed in connection with the purchase of the 1949 crop shall be employed in connection with the purchase of the 1950 crop.

(2) The processor-producer shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever; except that nothing in this subparagraph shall be construed as prohibiting modifications of practices which may be necessary because of unusual circumstances, any such modification to be subject to review by the Director of the Sugar Branch in the event of changes alleged to be unfair to either the processor-producer or the producer.

#### STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1950 crop purchased from other producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination," identified by the crop year for which effective.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on May 6, 1950, a public hearing was held at Clewiston, Florida, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1950 crop of sugarcane. In addition, investigations have been made of the conditions relating to the sugar industry in Florida. In this price determination, consideration has been given to the testimony presented at the hearing and to information resulting from the investigations.

(c) *Background.* In the past practically all of the sugarcane produced by independent producers in Florida has been purchased by one processor. Prior to the enactment of the Sugar Act of 1937, such sugarcane was purchased according to terms of contracts negotiated annually between the parties. These contracts provided for a scale of payments based on the average price of raw sugar at New York and on the quality of the sugarcane measured by the sucrose in the crusher juice. In 1938 a five-year purchase contract was negotiated, but

since its expiration in 1942 formal contracts have not been used.

Determinations of fair and reasonable prices for sugarcane in Florida have been issued for each crop beginning with the 1937 crop. The 1937 price determination generally approved the pricing structure contained in sugarcane purchase contracts between the processor and producers. During the period from 1937 through 1948 a number of significant changes were made in price determinations. The principal changes included the introduction of a clause in the 1941 price determination providing for producer participation in the net returns from molasses in excess of 6¼ cents per gallon; the revision of the basic pricing structure in the 1942 price determination to gear the prices payable for sugarcane in Florida to the scale of payments used in the western Louisiana sugarcane region; and the revision of the definition of standard sugarcane in the 1943 price determination to provide for the determination of the quality of the juice in sugarcane on the basis of normal juice rather than crusher juice, for a single par point for standard sugarcane instead of a par range, and for a premium and discount scale for sugarcane of varying qualities based on normal juice.

In the 1949 price determination the pricing structure was completely revised to provide for the sharing of total returns to the Florida sugarcane industry more in line with current production and manufacturing conditions. The following changes were made: (1) The basic price per ton of standard sugarcane was increased from \$1.03 to \$1.10 for each one cent of the average price of raw sugar and the scale of price factors related to lower sugar prices, provided in prior determinations, was eliminated; (2) the freight deduction to equalize settlements for sugarcane with those of western Louisiana was eliminated; (3) standard sugarcane was redefined as sugarcane containing 12.5 percent sucrose in the normal juice rather than 11 percent; (4) sugarcane quality factors used to convert net sugarcane to standard sugarcane were reduced by 0.15 at all levels of sucrose; (5) salvage sugarcane was defined as sugarcane containing less than 9.5 percent sucrose in the normal juice; and (6) the molasses payment per ton of net sugarcane was revised to provide for producer participation in the net returns from molasses above 4.75 cents per gallon rather than 6.75 cents per gallon, and for the computation of such payment on the basis of 3 gallons of molasses rather than 2.75 gallons.

(d) *1950 price determination.* The 1950 price determination continues the pricing arrangements effective for the 1949 crop, except for the addition of a requirement that the conversion of actual sugarcane to standard sugarcane shall be made on the basis of the average sucrose content during the basic pricing period of all sugarcane (excluding salvage sugarcane) delivered by a producer. This change was made to conform to the requirements of the determination to establish settlement practices.

In examining the terms and conditions of the determination the Department had available a study of returns, costs, and related factors in the Florida sugar industry. The study, conducted early in 1950, covered the operations of all raw sugar mills and associated farming units and a representative number of independent producers. These data, for the purpose of this examination, were projected to the 1949 and 1950 crops by restating such data in the light of known or expected conditions for such crops in accordance with generally accepted methods. Based on such data, comparisons were made of the relative position of producers and processors with respect to returns, costs, profits, and returns on investments. This examination indicates that the prices payable for sugarcane as set forth in this determination are fair and reasonable.

At the public hearing a processor representative recommended that the standard sugarcane quality factor be decreased by 2 percent, rather than 1 percent, for each one-tenth decline in sucrose below 10.5 percent sucrose in normal juice. While careful consideration has been given to this recommendation, it has not been adopted. The quality scale prescribed in the 1949 price determination was based on the relationship of sugar recoveries at various levels of sucrose above and below the standard par sucrose point. An examination of the several factors influencing the division of returns resulting from this scale under conditions likely to prevail in 1950 indicates that it is equitable to continue the 1949 scale for the 1950 crop.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 23d day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-7514; Filed, Aug. 28, 1950;  
8:52 a. m.]

[Sugar Determination 877.2, Amdt. 2]

PART 877—SUGARCANE; PUERTO RICO

1949-50 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, the determination of fair and reasonable prices for the 1949-50 crop of Puerto Rican sugarcane, issued December 16, 1949, as Part 877, § 877.2 (14 F. R. 7614), as amended February 8, 1950 (15 F. R. 792), is hereby further amended by deleting § 877.2 (b) (3) and substituting in lieu thereof the following:

§ 877.2 Fair and reasonable prices for the 1949-50 crop of Puerto Rican sugarcane. . . .

(b) Basic payment. . . .

(3) If payment is made in cash, the processor-producer shall pay, or contract to pay, the producer a price for sugar-

cane determined by the money value of the raw sugar which would otherwise be delivered to the producer in accordance with subparagraph (1) or (2) of this paragraph, whichever is applicable. Such money value shall be determined from the average price of raw sugar for the settlement period converted to the f. o. b. mill price: *Provided*,

(i) That if during the calendar year 1950 marketing allotments are established for 1949-50 crop Puerto Rican sugar and the processor-producer is obligated to carry an inventory of raw sugar which is not marketable in 1950, the money value of sugarcane from which the producer's share of such carry-over inventory was made (such share to be calculated for each settlement period and, subject to adjustment after final data are available, to be the same percentage of the producer's share of raw sugar produced from his sugarcane during such settlement period as the carry-over inventory for the processor-producer is of the total raw sugar produced by the processor-producer) may be determined from the average price of raw sugar for the period January 1, 1951 through February 28, 1951, converted to the f. o. b. mill price, and further, by deducting storage, handling costs, insurance, personal property taxes levied on raw sugar, and other related costs actually incurred on such sugar for the period January 1, 1951 through February 28, 1951;

(ii) That if any 1949-50 crop raw sugar is sold to Commodity Credit Corporation for shipment to points other than the continental United States or in Puerto Rico, the money value of sugarcane from which the producer's share of such raw sugar was made (such share to be calculated for each settlement period and, subject to adjustment after final data are available, to be the same percentage of the producer's share of the raw sugar produced from his sugarcane during such settlement period as the quantity of raw sugar so sold by the processor-producer is of the total sugar produced by the processor-producer) may be determined on the basis of the actual price received for such raw sugar converted to the f. o. b. mill price, except that if such raw sugar is shipped on and after January 1, 1951, additional deductions may be made for storage, handling costs, insurance, personal property taxes levied on raw sugar, and other related costs actually incurred on such raw sugar on and after January 1, 1951; and

(iii) That if during the calendar year 1950 marketing allotments are rescinded and a processor-producer is permitted to market raw sugar in excess of the sum of his last effective marketing allotments and the quantity of raw sugar sold to Commodity Credit Corporation for shipment to points other than the continental United States or in Puerto Rico, the money value of sugarcane from which the producer's share of such excess raw sugar was made (such share to be the same percentage of the producer's share of raw sugar produced from his sugarcane as the quantity of excess raw sugar so marketed by the processor-producer is of the total raw sugar produced by the processor-producer) shall

be determined on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of this amendment converted to the f. o. b. mill price.

Average prices of raw sugar for successive settlement periods shall be computed from (1) December 5, 1949, in the case of a two-week or four-week period; and (2) December 1, 1949, in the case of a fortnight or month: *Provided*, That if the commencement or ending of grinding at the mill does not coincide with the beginning or the ending of a regular settlement period, the average price of raw sugar for such period shall be computed (1) on the full settlement period, if grinding commenced during the first one-half or ended during the last one-half of such period; or (2) on the last one-half of the full settlement period if grinding commenced during the last one-half of such period; or (3) the first one-half of the full settlement period if grinding ended during the first one-half of such period.

#### STATEMENT OF BASES AND CONSIDERATIONS

This amendment sets forth the method to be used in making settlements with producers for 1949-50 crop sugarcane from which was made the raw sugar marketed in excess of the sum of the last effective marketing allotments and the quantity of raw sugar sold to Commodity Credit Corporation for shipment to points other than continental United States or in Puerto Rico. It provides that settlement for such sugarcane shall be made on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of this determination converted to the f. o. b. mill price.

For past crops, determinations of fair and reasonable prices have provided that settlements for sugarcane from which was made the raw sugar marketable under prorrations of deficits were to be based on the average price of raw sugar prevailing during the settlement period in which the sugarcane was delivered. This ruling coincided with the established method of settling for raw sugar in Puerto Rico and was deemed fair and reasonable under normal market conditions. Because of unusual conditions which have affected the marketing of raw sugar during this calendar year and which have resulted in raw sugar prices somewhat higher than those prevailing during the settlement period in which sugarcane was delivered, it would not be equitable to provide for settlements with producers for their share of marketings of 1950 crop raw sugar in excess of the sum of the last effective marketing allotments and the quantity of raw sugar sold to Commodity Credit Corporation on the same basis. Moreover, settlements with producers for their share of raw sugar sold in 1950 to Commodity Credit Corporation for shipment to points other than the continental United States or in Puerto Rico were based on the actual sales price received by the processor, a price consider-

ably less than the price of raw sugar in the continental United States or Puerto Rico. This amendment is, therefore, deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing amendment to the price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 23d day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-7481; Filed, Aug. 28, 1950;  
8:47 a. m.]

[Sugar Determination 878.2, Amdt. 1]

**PART 878—SUGARCANE; VIRGIN ISLANDS  
1950 CROP**

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, the determination of fair and reasonable prices for the 1950 crop of Virgin Islands sugarcane, issued December 16, 1949, as Part 878, § 878.2 (14 F. R. 7616), is hereby amended by deleting the period at the end of § 878.2 (b) and substituting in lieu thereof the following:

§ 878.2 *Fair and reasonable prices for the 1950 crop of Virgin Islands sugarcane.* \* \* \*

(b) *Basic price.* \* \* \*: *Provided*, That if during the calendar year 1950 a processor-producer is permitted to market raw sugar in excess of the statutory quota for the Virgin Islands of 6,000 short tons, raw value, settlements with producers for their share of such excess raw sugar (such share to be the same percentage of the producer's share of raw sugar produced from his sugarcane as the quantity of excess raw sugar so marketed by the processor-producer is of the total raw sugar produced by the processor-producer) shall be determined on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of this determination, adjusted to an f. o. b. mill value.

**STATEMENT OF BASES AND CONSIDERATIONS**

This amendment sets forth the method to be used in making settlements with producers for 1950 crop sugarcane from which was made the raw sugar marketed in excess of the statutory quota for the Virgin Islands of 6,000 short tons of sugar, raw value. It provides that settlements for such sugarcane shall be made on the basis of the average price of raw sugar for the marketing days within the thirty-day period (commencing on the first marketing day) immediately following the effective date of this amendment, converted to the f. o. b. mill value. Because of the unusual conditions which have affected the marketing of raw sugar during this calendar year and which have resulted in raw sugar prices somewhat higher than those

prevailing during the settlement period in which sugarcane was delivered, it is deemed fair and reasonable to provide for producer participation in the price received for sugar marketed in excess of the statutory quota of 6,000 short tons.

Accordingly, I hereby find and conclude that the foregoing amendment to the price determination will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup., 1131, 1153)

Issued this 23d day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-7513; Filed, Aug. 28, 1950;  
8:51 a. m.]

**TITLE 15—COMMERCE AND  
FOREIGN TRADE**

**Chapter III—Bureau of Foreign and  
Domestic Commerce, Department  
of Commerce**

**Subchapter C—Office of Industry and Commerce  
[Allocation Order R-1]**

**PART 338—ALLOCATION ORDERS**

**SUBPART—RUBBER, SYNTHETIC RUBBER AND  
PRODUCTS THEREOF**

Subpart: Rubber, Synthetic Rubber and Products Thereof, §§ 338.71 to 338.85 (Allocation Order R-1), as amended March 8, 1950, is hereby amended to read as follows:

The following order is deemed necessary and appropriate to promote the public interest and in the interest of the national security and common defense and to carry out the purposes of the Rubber Act of 1948, 62 Stat. 101, 50 U. S. C. App. 1921-1938, as amended by Public Law 575, 81st Congress, approved June 24, 1950.

**DEFINITIONS**

Sec. 338.71 Definitions.

**MANUFACTURING REGULATIONS**

338.72 Mandatory consumption of synthetic rubber.

338.73 Exceptions for experimental purposes.

**IMPORT RESTRICTIONS**

338.74 Restrictions on importation of rubber products.

**REPORTS, VIOLATIONS, APPEALS AND  
COMMUNICATIONS**

338.75 Reports of rubber consumption and stocks.

338.76 Other reports.

338.77 Violations.

338.78 Appeals.

338.79 Communications.

**NEW RUBBER CONSUMPTION**

338.80 Limitation on consumption of new rubber.

**SYNTHETIC RUBBER SPECIFICATIONS**

338.85 Synthetic rubber specifications for certain products.

**AUTHORITY:** §§ 338.71 to 338.85 issued under sec. 10, 62 Stat. 105, 50 U. S. C. App., Sup., 1929; Pub. Law 575, 81st Cong.; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823; 3 CFR, 1948 Supp.

**DEFINITIONS**

§ 338.71 *Definitions.* As used in this subpart:

(a) "Natural rubber" means all new RHC forms and types of tree, vine, or shrub rubber, including natural rubber latex, but excluding guayule and reclaimed natural rubber.

(b) "Synthetic rubber" means any new RHC product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, but excluding reclaimed synthetic rubber.

(c) "GR-S" means a general-purpose synthetic rubber of the butadiene-styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the President, not including reclaimed general purpose synthetic rubber.

(d) "Butyl" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, not including reclaimed special-purpose synthetic rubber.

(e) "Consume" means in the case of natural rubber or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition except where any of these materials are used in the preparation of master-batches or compounds prepared for use in the manufacture of finished products.

(f) "Person" means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not, and any Government department, agency, officer, corporation, or instrumentality of the United States.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of natural rubber, synthetic rubber, uncured scrap rubber, uncured in-process materials, and the rubber hydrocarbon content of master-batches or compounds of new RHC.

(h) "Reclaimed rubber" means any material derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

**MANUFACTURING REGULATIONS**

§ 338.72 *Mandatory consumption of synthetic rubber.* No person shall manufacture any product listed in § 338.85 in any type and size listed in that section unless it conforms with the synthetic rubber specifications designated in that section for that product. The synthetic rubber used to satisfy the mandatory requirements of § 338.85 shall be that produced by the Government or for its account, or purchased from others by the Government for resale by the Government or for its account. Where spec-

ifications for tires provide for a group average or tolerance such group average or tolerance must be balanced out each calendar month.

(a) *Military orders.* The provisions of § 338.85 shall not be applicable to orders manufactured for the Department of Defense.

§ 338.73 *Exceptions for experimental purposes.* Notwithstanding the provisions of § 338.72, any person may use up to a total of 2,000 pounds of natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in § 338.85.

#### IMPORT RESTRICTIONS

§ 338.74 *Restrictions on importation of rubber products.* (a) As used in this subpart, "import" means to transport in any manner from any foreign country into the continental United States or into any territory or possession of the United States. It does not include shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States for trans-shipment to any foreign country.

(b) The importation by any person of any product listed in § 338.85 shall be accompanied by a certificate to be furnished to the Collector of Customs at port of entry, reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain at least the same percent of synthetic rubber (of any type and wherever produced) as is required by § 338.85 of Office of Industry and Commerce Allocation Order R-1 for similar products:

(Date) (Signature)

(c) The restrictions of this section shall not apply to: (1) The importation of products by a diplomatic representative of any foreign government for his personal use or the use of members of his staff, or by a commercial representative of any foreign government for use in his official business and not for sale; (2) the importation for experimental and testing purposes, but not for sale, of tires and camelback.

#### REPORTS, VIOLATIONS, APPEALS AND COMMUNICATIONS

§ 338.75 *Reports of rubber consumption and stocks.* Every person who consumes or owns at any time during any month, any type of rubbers listed below in an amount in pounds equal to or in excess of the amounts specified below, shall file a monthly report on Form IC-3410 with the Rubber Division, Office of Industry and Commerce, Department of Commerce, in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production and shipments.

Types:	Amount (pounds)
Natural rubber.....	15,000
Natural rubber latex (dry latex solids).....	5,000
Reclaimed rubber.....	10,000

Types—Continued	Amount (pounds)
GR-S (all types including GR-S latex) <sup>1</sup> .....	15,000
Butyl (GR-I), all types <sup>1</sup> .....	10,000
Neoprene (all types, including neoprene latex) <sup>1</sup> .....	5,000
Butadiene-Acrylonitrile types <sup>1</sup> .....	5,000

<sup>1</sup> Includes all types whether obtained from Government or other source, including imports.

No monthly report need be filed as to any of these types of rubbers if both rubber consumed and rubber owned were each less than the amounts specified above for the particular types of rubbers.

§ 338.76 *Other reports.* (a) Every person who, during the calendar year, consumes or owns amounts of any of the types of rubber listed in § 338.75, in excess of the amount shown for any type, and who has not reported those types of rubber on Form IC-3410 for all months of the calendar year, shall file an annual report covering consumption and stocks in accordance with the instructions accompanying the annual report form. This report shall be made on Form IC-49-1 and shall be filed not later than January 31 following the year being reported.

(b) Each manufacturer of tires, tubes and camelback shall file a report on his production, shipments and inventory for each calendar month on Form IC-3438 with the Rubber Division, in accordance with the instructions accompanying the form.

(c) Each manufacturer of tires shall file a report of his production of cured tires for each week on Form IC-4231 with the Rubber Division, in accordance with the instructions accompanying the form.

(d) Any person may be required to file such other reports as may be needed subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 338.77 *Violations.* Any person who wilfully violates any provision of this subpart, or who in connection with this subpart wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States Government is guilty of a felony, and upon conviction may be punished by fine or imprisonment.

§ 338.78 *Appeals.* Appeals for relief or exemption from any of the provisions of this subpart or OIC actions thereunder, shall be made in accordance with §§ 336.51 to 336.61 (Allocation Regulation 3), by filing a letter in triplicate with the Rubber Division, specifying the particular provisions appealed from, stating fully the grounds for the appeal, specifying the precise relief desired, and the reasons why the denial of the appeal would result in undue and excessive hardship not suffered by others similarly situated or result in improper discrimination.

§ 338.79 *Communications.* All appeals, all reports to be filed under this subpart and all communications concerning this subpart shall be addressed to: Rubber Division, Office of Industry and Com-

merce, Department of Commerce, Washington 25, D. C., Ref: R-1.

#### NEW RUBBER CONSUMPTION

§ 338.80 *Limitation on consumption of new rubber.* The maximum total new rubber (including natural rubber and all synthetic rubber, but excluding natural rubber latex) consumption by each person during the period beginning September 1, 1950, and ending December 31, 1950, shall be as follows:

(a) Four-twelfths of the total new rubber (including natural rubber and all synthetic rubber, but excluding natural rubber latex) consumption by such person during the period beginning July 1, 1949, and ending June 30, 1950: *Provided, however:*

(1) To the extent that a person's August 1950 total new rubber consumption exceeds 120 percent of his average monthly total new rubber consumption during the period beginning July 1, 1949, and ending June 30, 1950, such excess shall be deducted from his total allowable new rubber consumption during the last four months of 1950;

(2) To the extent that a person's August 1950 total new rubber consumption is less than 120 percent of his average monthly total new rubber consumption during the period beginning July 1, 1949, and ending June 30, 1950, his total allowable new rubber consumption during the last four months of 1950 shall be increased by an amount equivalent to such deficiency;

(3) In no one month, however, during the period beginning September 1, 1950, and ending December 31, 1950, shall any person consume more than 28 percent of his total allowable new rubber consumption for such four-month period.

(b) The maximum total natural rubber consumption by each person under paragraph (a) of this section shall be his maximum allowable total new rubber consumption less the total synthetic rubber acquired by him from all sources during the last four months of 1950.

(c) No person shall consume more new rubber than his maximum total new rubber consumption, computed as provided in paragraph (a) of this section; and no person shall consume more natural rubber than his maximum total natural rubber consumption, computed as provided in paragraph (b) of this section.

(d) The above provisions of this section shall not be applicable to orders manufactured for the Department of Defense; the consumption by any person of new rubber in orders manufactured for the Department of Defense during the last four months of 1950 shall be permitted in addition to his total allowable new rubber consumption during the last four months of 1950.

(e) The appeal procedure set forth in § 338.78 shall be applicable to the provisions of this section.

#### SYNTHETIC RUBBER SPECIFICATIONS

§ 338.85 *Synthetic rubber specifications for certain products—(a) Tires.* All pneumatic tires, in any size and type listed below, shall contain GR-S in at least the percentage designated below.

Pneumatic tire groups size and type	Percent GR-8 of total natural rubber plus GR-8	
	Minimum group average	Minimum individual tire
Group 1: All 7.50 and down truck and bus tires, not including low platform trailer and wire tires.	25	1
All 7.50 and down farm implement, garden implement and industrial tires.	25	8
All passenger and motorcycle, front farm tractor and garden tractor tires.	25	8
Group 2: All rear farm tractor and all other farm implement tires, not including rice and cane spade grip tires.	75	85

NOTE: The above group averages for Groups 1 and 2 may be reduced by not more than three (3) points, provided the aggregate GR-8 consumption in these groups equals the total amount of GR-8 which would have been consumed if calculated on the above minimum group averages for groups 1 and 2.

(b) *Tire tubes*—(1) *Reestablishment of GR-1 specifications.* In the event that the consumption of butyl (GR-I) by the entire industry indicates that the total annual consumption will be less than 15,000 long tons, specifications requiring the consumption of butyl (GR-I) in certain types and sizes of tire tubes will be reinstated in this order to the extent necessary.

(b) *Markings on tire tubes.* Every tube containing butyl (GR-I) synthetic rubber shall be marked by the manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be  $\frac{3}{16}$ " minimum width. No other tire tube shall be so marked.

Issued this 25th day of August 1950.

OFFICE OF INDUSTRY AND  
COMMERCE,  
RAYMOND S. HOOVER,  
Issuance Officer.

[F. R. Doc. 50-7555; Filed, Aug. 25, 1950;  
4:04 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5491]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

DILA-THERM COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of the device "Dila-Therm", or any other device of substantially similar make, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said device is an effective treatment for prostatitis or the symptoms thereof, or that when used alone

or as a supplement to other treatment such device has any therapeutic value in the treatment of the prostate gland; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 6, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Dila-Therm Company, Inc., et al., Docket 5491, July 12, 1950]

*In the Matter of the Dila-Therm Company, Inc., a Corporation, and W. P. Thielens, J. R. Dorsey, and Louis N. Rugee, Individually and as Officers of The Dila-Therm Company, Inc.*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission, theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents, The Dila-Therm Company, Inc., a corporation, its officers, representatives, agents, and employees, and W. P. Thielens, J. R. Dorsey, and Louis N. Rugee, and their agents, representatives, and employees, directly or through any corporate or other device; in connection with the offering for sale, sale, or distribution of the device "Dila-Therm", or any other device of substantially similar character, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication: That said device is an effective treatment for prostatitis or the symptoms thereof, or that when used alone or as a supplement to other treatment such device has any therapeutic value in the treatment of diseases of the prostate gland.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph (1) hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 12, 1950.

By the Commission.

[SEAL]

D. C. DANIEL,  
Secretary.

[F. R. Doc. 50-7489; Filed, Aug. 28, 1950;  
8:48 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52545]

#### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

##### EXEMPTIONS FROM SPECIAL TONNAGE TAX AND LIGHT MONEY; JAPAN

Section 4.22, Customs Regulations of 1943 (19 CFR 4.22), as amended, is further amended by the insertion of "Japan" immediately after "Italy" and preceding "Latvia" in the list of nations at the end of that section.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies R. S. 4219, as amended, 4225, as amended, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 60 Stat. 1097, 3 CFR, 1946 Supp.; 46 U. S. C. 121, 128, 5 U. S. C. 133y-16)

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

Approved: August 21, 1950.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 50-7507; Filed, Aug. 28, 1950;  
8:51 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.111]

#### PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

##### SHIPMENTS UNDER MUTUAL DEFENSE ASSISTANCE ACT OF 1949

Part 75 of the Code of Federal Regulations is hereby amended by adding, following § 75.41 thereof, the following new section:

§ 75.42 *Shipments under Mutual Defense Assistance Act of 1949.* Arms, ammunition and implements of war transferred as grant-aid and procured by the Department of Defense under Public Law 329, 81st Congress, are not considered as exported within the meaning of section 12 of the Joint Resolution of November 4, 1939, and are therefore exempt from the licensing requirements of section 12 of the Joint Resolution. In the case of all such transfers, evidence must be presented to the appropriate Collector of Customs showing that such exemption applies.

(Sec. 1, 42 Stat. 361, sec. 12, 54 Stat. 10, as amended; 22 U. S. C. 409, 452)

For the Secretary of State.

SAMUEL D. BOYKIN,  
Director, Office of Consular Affairs.

AUGUST 22, 1950.

[F. R. Doc. 50-7487; Filed, Aug. 28, 1950;  
8:48 a. m.]

## TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S. O. 855, Amdt. 2]

## PART 95—CAR SERVICE

## REFRIGERATOR CARS AND STOCK CARS FOR TRANSPORTING ALFALFA MEAL OR ANY COMMODITY SUITABLE FOR MOVEMENT IN SUCH CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of August A. D. 1950.

Upon further consideration of Service Order No. 855 (15 F. R. 4771, 4895), and good cause appearing therefor: It is ordered, that:

Section 95.855 *Refrigerator cars and stock cars for loading alfalfa meal or any commodity suitable for movement in such cars*, of Service Order No. 855 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p. m., August 22, 1950.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms

of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.[F. R. Doc. 50-7506; Filed, Aug. 28, 1950;  
8:50 a. m.]

[S. O. 859, Amdt. 1]

## PART 95—CAR SERVICE

## RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of August A. D. 1950.

Upon further consideration of Service Order No. 859 (15 F. R. 5051), and good cause appearing therefor: It is ordered, that:

Section 95.859 *Railroad freight cars to be stopped to complete loading*, of Service Order No. 859 be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or trans-

port or move, any railroad freight car (whether ordered or appropriated without being ordered) which car is loaded with lumber, shingles, plywood, doors, and other lumber or forest products in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the shipper or consignor certifies on the bill of lading that the lumber, shingles, plywood, doors, and other lumber or forest products loaded in the car at the first loading point equals or exceeds twenty-five percent (25%) of the marked or nominal capacity of the car used.

*Effective date.* This amendment shall become effective at 12:01 a. m., August 25, 1950.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.[F. R. Doc. 50-7505; Filed, Aug. 28, 1950;  
8:50 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

## Production and Marketing Administration

## [7 CFR, Part 29]

## TOBACCO INSPECTION

## ANNOUNCEMENT OF REFERENDA IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKETS OF MAYFIELD, MURRAY, AND PADUCAH, KY.

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (13 F. R. 9474-9479) issued thereunder by the Secretary, notice is given that (1) a referendum of tobacco growers will be conducted from September 28 through September 30, 1950, to determine whether growers favor the designation of the Mayfield, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon, (2) a referendum of tobacco growers will be conducted from September 28 through September 30, 1950, to determine whether growers

favor the designation of the Murray, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon, and (3) a referendum of tobacco growers will be conducted from September 28 through September 30, 1950, to determine whether growers favor the designation of the Paducah, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid markets during the 1949-50 marketing season shall be eligible to vote in the referendum relevant to the market on which their sales were accomplished. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county PMA committee at the above points.

All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 480, Louisville, Kentucky, and, in order to be counted in said referendum,

must be postmarked not later than midnight, September 30, 1950.

Issued this 24th day of August 1950.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.[F. R. Doc. 50-7500; Filed, Aug. 28, 1950;  
8:51 a. m.]

## [7 CFR, Part 915]

[Docket No. AO-208]

## HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

## DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Akron, Ohio, on November 14-18, 1949, pursuant to notice thereof which was issued on October 21, 1949

(14 F. R. 6523), upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Akron, Ohio, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on June 19, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 22, 1950 (15 F. R. 4009; F. R. Doc. 50-5396).

The material issues and the findings and conclusions of the recommended decision (15 F. R. 4009, F. R. Doc. 50-5396) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete the second paragraph beginning in column 1, 15 F. R. 4013, F. R. Doc. 50-5396, and substitute therefor the following:

Milk and milk products may be used at a later time in a class other than that of the original classification and if so used they should be reclassified in accordance with their final use. The major products subject to such reclassification are frozen cream and condensed skim milk and the order should specify that these products should return to producers the price for the class of ultimate use applicable during the month when such products were originally classified.

2. Delete the third sentence in the fifth paragraph beginning in column 2, 15 F. R. 4014, F. R. Doc. 50-5396, and substitute therefor the following: "Considering recent market experience of large purchases of outside milk when an ample supply of local milk was available, it is concluded that the proposed safeguard, based on the receipt of 25 percent or more of other source milk, should be provided in the low production months of October, November, December and January if such milk were not priced under another Federal milk marketing order."

**Ruling on exceptions.** Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of certain interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled respectively "marketing agreement regulating the handling of milk in the Akron, Ohio, marketing area," and "order regulating the handling of milk in the Akron, Ohio, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the

rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

*Order Regulating the Handling of Milk in the Akron, Ohio, Marketing Area*

§ 915.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held November 14-18, 1949, at Akron, Ohio, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Akron, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce and directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

within the month of (1) other source milk which is classified as Class I milk and (2) milk from producers, including such handler's own production.

**Order relative to handling.** It is therefore ordered that on and after the effective date hereof, the handling of milk in the Akron, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 915.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 915.2 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 915.3 Department of Agriculture. "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 915.4 Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 915.5 Cooperative association. "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 915.6 Akron, Ohio, marketing area. "Akron, Ohio, marketing area," herein-after called the "marketing area," means all territory, including but not being limited to all municipal corporations, within the boundaries of Summit County, Ohio.

§ 915.7 Fluid milk plant. "Fluid milk plant" means a bottling plant, except a bottling plant of a producer-handler, which is located (a) inside the marketing area and from which a route is operated during the month; or (b) outside the marketing area and from which a daily average of 600 pounds or more of Class I milk is disposed of on routes in the marketing area during the month.

§ 915.8 Route. "Route" means a delivery (including a sale from a plant store) of milk, skim milk, flavored milk, or flavored milk drinks in fluid form to a wholesale or retail stop.

§ 915.9 Producer. "Producer" means any person, other than a producer-handler, who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a fluid milk plant. This definition shall include any

such person who is regularly classified as a producer but whose milk is caused to be diverted to a plant, other than a fluid milk plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a fluid milk plant by the handler who caused it to be diverted.

**§ 915.10 Handler.** "Handler" means (a) any person with respect to skim milk and butterfat received at a fluid milk plant operated by him, (b) any person with respect to skim milk and butterfat received at a plant, other than a fluid milk plant, operated by him from which a route is operated in the marketing area, and (c) any cooperative association with respect to the milk of any producer which it causes to be diverted to a plant other than a fluid milk plant for the account of such cooperative association. Milk diverted from a fluid milk plant to another fluid milk plant shall be deemed to have been received at the fluid milk plant from which it was diverted for all purposes except for the determination of shrinkage.

**§ 915.11 Producer-handler.** "Producer-handler" means any person who (a) produces milk; (b) receives no milk directly from the farms of other dairy farmers; and (c) operates a plant from which a route is operated in the marketing area.

**§ 915.12 Producer milk.** "Producer milk" means all skim milk and butterfat which is produced by a producer and received by a cooperative association or at a fluid milk plant either directly from producers or from other fluid milk plants.

**§ 915.13 Other source milk.** "Other source milk" means all skim milk and butterfat except that contained in producer milk.

#### MARKET ADMINISTRATOR

**§ 915.20 Designation.** The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

**§ 915.21 Powers.** The market administrator shall have the power to:

- (a) Administer all of the terms and provisions hereof;
- (b) Make rules and regulations to effectuate the terms and provisions hereof;
- (c) Receive, investigate, and report to the Secretary complaints of violations hereof; and
- (d) Recommend to the Secretary amendments hereto.

**§ 915.22 Duties.** The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including, but not limited to, the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount

and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 915.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 915.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 915.30 to 915.32, or (2) payments pursuant to §§ 915.80 to 915.87;

(i) On or before the 25th day of each month, supply each cooperative association with a record of the amount of milk received by handlers during the preceding month, from each producer who is verified by the market administrator as being a member of such cooperative association;

(j) Publicly announce, by posting in a conspicuous place in his office, by mailing to all handlers, and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum class prices for skim milk and butterfat computed pursuant to § 915.51 for the previous month; and

(2) On or before the 10th day of each month, the uniform price computed pursuant to § 915.71 and the butterfat differential computed pursuant to § 915.81, both for the previous month.

(k) Give notice on or before the 10th day of each month, with respect to the preceding month to each handler who received milk from producers of the amounts and values of skim milk and butterfat in each class and the totals of such amounts and values, the uniform price, the amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund and the totals of the minimum amounts to be paid by

such handler as computed pursuant to §§ 915.80, 915.85, 915.86 and 915.87.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

#### REPORTS, RECORDS, AND FACILITIES

**§ 915.30 Monthly reports of receipts and utilization.** (a) On or before the 6th day of each month each handler who received milk from producers during the preceding month shall report to the market administrator with respect to such month in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in milk received from producers;

(2) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other fluid milk plants;

(3) The quantities of skim milk and butterfat contained in (or used in the production of) receipts of other source milk;

(4) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(5) Such other information with respect to receipts and utilization as the market administrator may prescribe.

(b) On or before the 6th day of each month each handler, except a producer-handler, who operated a plant, other than a fluid milk plant, from which a route was operated in the marketing area during the preceding month shall report to the market administrator with respect to such month, the total disposition of skim milk and butterfat in fluid form as milk, skim milk, flavored milk and flavored milk drinks on routes in the marketing area.

**§ 915.31 Payroll reports.** On or before the 18th day of each month, each handler who received milk from producers during the preceding month shall submit to the market administrator such handler's producer payroll with respect to such month, which shall show: (a) The total pounds of milk and the percentage of butterfat contained therein received from each producer, (b) the amount and date of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

**§ 915.32 Other reports.** Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may request.

**§ 915.33 Records and facilities.** Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, including those of plants other than fluid milk plants in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

## PROPOSED RULE MAKING

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and co-operative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 915.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

## CLASSIFICATION

§ 915.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 915.30 shall be classified by the market administrator pursuant to the provisions of §§ 915.41 to 915.46.

§ 915.41 *Classes of utilization.* Subject to the conditions set forth in §§ 915.43 and 915.44, the classes of utilization should be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, flavored milk, or flavored milk drinks and all skim milk and butterfat not specifically accounted for under paragraphs (b) or (c) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as buttermilk, sweet or sour cream, or any mixture of cream and milk or skim milk containing more than 6 percent of butterfat, and (2) used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce ice cream, imitation ice cream, and other frozen desserts and mixes for similar products; frozen cream; butter; butter oil; cheese (other than cottage cheese); condensed milk; evaporated milk; non-fat dry milk solids; dry whole milk; and condensed or dry buttermilk; (2) dumped or disposed of for livestock feed; (3) in shrinkage of producer milk not in excess of 2 percent of the skim milk and butterfat in milk received from producers: *Provided*, That for the purpose of computing shrinkage milk of a producer transferred from a fluid milk plant by diversion directly from such producer's farm to another fluid milk plant shall be excluded from the receipts at

the fluid milk plant making such diversion and shall be included in the receipts at the fluid milk plant to which such milk is diverted; and (4) in shrinkage of other source milk.

§ 915.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 915.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(c) The prices applicable to skim milk or butterfat reclassified in condensed skim milk in storage or in frozen cream shall be the class prices applicable when such skim milk or butterfat was originally classified.

§ 915.44 *Transfers.* Skim milk or butterfat transferred from a fluid milk plant shall be classified as Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream;

(a) To another fluid milk plant unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the month within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the receiving fluid milk plant after the subtraction of other source milk pursuant to § 915.46, and any additional amounts of skim milk or butterfat so transferred shall be assigned in series to the next higher priced classes in which there is skim milk or butterfat remaining in the receiving fluid milk plant: *And provided further*, That if either or both fluid milk plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both fluid milk plants so as to allocate the highest possible utilization to producer milk;

(b) To a plant, other than a fluid milk plant or a plant of a producer-handler, unless (1) utilization in another class is mutually indicated in writing to the market administrator by both the handler making such transfer and the receiver on or before the 6th day after the end of the month within which such transfer occurred, and (2) the receiver maintains books and records which show the utilization of all skim milk and butterfat received at his plant and which are made available if requested by the market administrator for the purpose of verifying such reported utilization: *Provided*, That the skim milk or butterfat so assigned

to any class shall be limited to the amount classified in such class in the receiving plant and any additional amounts of skim milk or butterfat so transferred shall be assigned in series to the next higher priced classes in which there is utilization in the receiving plant; and

(c) To a plant of a producer-handler.

§ 915.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 915.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 915.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk determined pursuant to § 915.41 (c) (3);

(2) Subtract from the pounds of skim milk remaining in each class in series beginning with the lowest priced class in which there is skim milk remaining, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other fluid milk plants according to its classification as determined pursuant to § 915.44;

(4) Add to the pounds of skim milk remaining in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in the milk received from producers, subtract such excess skim milk from the pounds remaining in each class in series beginning with the lowest priced class in which there is skim milk remaining.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

## MINIMUM PRICES

§ 915.50 *Basic formula price.* The basic formula price per hundredweight of milk shall be the highest of the prices pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight ascertained to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Present Operator and Location*

Borden Co., Black Creek, Wis.  
Borden Co., Greenville, Wis.  
Borden Co., Mount Pleasant, Mich.  
Borden Co., New London, Wis.  
Borden Co., Orfordville, Wis.

Carnation Co., Berlin, Wis.  
 Carnation Co., Jefferson, Wis.  
 Carnation Co., Chilton, Wis.  
 Carnation Co., Oconomowoc, Wis.  
 Carnation Co., Richland Center, Wis.  
 Carnation Co., Sparta, Mich.  
 Pet Milk Co., Belleville, Wis.  
 Pet Milk Co., Coopersville, Mich.  
 Pet Milk Co., Hudson, Mich.  
 Pet Milk Co., New Glarus, Wis.  
 Pet Milk Co., Wayland, Mich.  
 White House Milk Co., Manitowoc, Wis.  
 White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following computations:

(1) Multiply by 6 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide the resulting sum by 7;

(4) Add 30 percent thereof; and

(5) Multiply the resulting sum by 3.5.

(c) The price per hundredweight resulting from the following computations:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5;

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5.5 cents, multiply by 8.5, and multiply by 0.965; and

(3) Add together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph.

§ 915.51 *Class prices*—(a) *Class I milk prices*. The minimum respective prices per hundredweight to be paid by each handler for butterfat and skim milk, in milk received from producers during the month, which is classified as Class I milk, shall be the amounts determined pursuant to subparagraphs (4) and (6) of this paragraph by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

May and June.....	\$0.85
March, April, July and August.....	1.00
All other months.....	1.15

(2) Divide the amount computed pursuant to § 915.50 (c) (1) by the amount computed pursuant to § 915.50 (c) (3);

No. 167—3

(3) Multiply the price determined pursuant to subparagraph (1) of this paragraph by the percent determined pursuant to subparagraph (2) of this paragraph;

(4) Divide the amount determined pursuant to subparagraph (3) of this paragraph by 0.035;

(5) Subtract the amount determined pursuant to subparagraph (3) of this paragraph from the amount determined pursuant to subparagraph (1) of this paragraph; and

(6) Divide the amount determined pursuant to subparagraph (5) of this paragraph by 0.965.

(b) *Class II milk prices*. The minimum respective prices per hundredweight to be paid by each handler for butterfat and skim milk, in milk received from producers during the month, which is classified as Class II milk, shall be the amounts determined pursuant to subparagraphs (3) and (5) of this paragraph by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

May and June.....	\$0.45
March, April, July and August.....	.60
All other months.....	.75

(2) Multiply the price determined pursuant to subparagraph (1) of this paragraph by the percent determined pursuant to paragraph (a) (2) of this section;

(3) Divide the amount determined pursuant to subparagraph (2) of this paragraph by 0.035;

(4) Subtract the amount determined pursuant to subparagraph (2) of this paragraph from the amount determined pursuant to subparagraph (1) of this paragraph; and

(5) Divide the amount determined pursuant to subparagraph (4) of this paragraph by 0.965.

(c) *Class III milk prices*. The respective minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in milk received from producers during the month, which is classified as Class III milk shall be the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph by the market administrator as follows:

(1) Multiply the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month by 120; *Provided*, That the price per hundredweight of butterfat used to produce butter or classified as shrinkage pursuant to § 915.42 (c) (3) shall be such price less \$5.00, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month

through the 25th day of the current month by the Department of Agriculture, subtract 5.5 cents and multiply by 8.5.

#### APPLICATION OF PROVISIONS

§ 915.60 *Producer-handlers*. Sections 915.40 to 915.46, 915.50 to 915.51, 915.70 to 915.71, 915.80 to 915.87 shall not apply to a producer-handler.

§ 915.61 *Handlers subject to other orders*. The provisions of this order, except §§ 915.10 (b) and 915.30 (b), shall not apply in the case of any handler who operates a plant from which a daily average of 600 pounds or more of Class I milk is disposed of on routes in the marketing area during the month and who is subject to the provisions of another marketing agreement or order issued under the act with respect to payment of minimum prices to producers (as defined under such other marketing agreement or order) for milk received directly from farms at such plant.

#### DETERMINATION OF UNIFORM PRICE

§ 915.70 *Computation of value of milk*. The value of the milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had excess skim milk or butterfat during such month there shall be added to the above values an amount computed by multiplying the pounds of such excess skim milk or butterfat in each class (as assigned to such class pursuant to § 915.46) by the applicable class prices; *And provided further*, That if a handler has received at his fluid milk plant during any of the months of October, November, December or January skim milk or butterfat in other source milk equal to 25 percent or more of the total receipts of skim milk or butterfat at such fluid milk plant during such month there shall be added to the above values an amount computed by multiplying the pounds of skim milk and butterfat, respectively, in other source milk which are classified as Class I milk by:

(a) The difference between the price for skim milk or butterfat, respectively, in Class I milk and Class III milk, if such skim milk or butterfat was not priced under another Federal milk marketing order; and

(b) If such skim milk or butterfat was priced under another Federal milk marketing order, any amount by which the Class I price for skim milk or butterfat, respectively, pursuant to this order exceeds the price for the class in which such skim milk or butterfat was classified pursuant to such other Federal order.

Other source milk classified as Class I milk shall be deemed to be that received in the form of milk, skim milk, flavored milk or flavored milk drinks. In case other source milk was received in such form from more than one source, that which is classified as Class I milk shall be deemed to have been received from each source in the same proportion that

the total other source milk in such form was received from each such source.

§ 915.71 *Computation of the uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 915.70;

(b) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 915.81 and multiplying the resulting figure by the hundredweight of such milk;

(d) Divide by the hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers.

§ 915.80 *Time and method of payment.* On or before the 15th day of each month, each handler shall make payment to each producer for milk received from him during the preceding month of an amount not less than that computed by multiplying the pounds of such milk by the uniform price computed pursuant to § 915.71, adjusted by the butterfat differential computed pursuant to § 915.81: *Provided*, That with respect to milk received during such month from producers who have authorized a cooperative association to collect payment for them, the handler may, upon written request by such cooperative association, make payment to such cooperative association, on or before the 13th day after the end of the month during which such milk was received, of an amount not less than the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 915.81 *Producer butterfat differential.* In making payments pursuant to § 915.80 the uniform price shall be adjusted for each one-tenth of 1 percent that the milk of each producer varies from 3.5 percent, by adding for each one-tenth above 3.5 percent and subtracting for each one-tenth below 3.5 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 915.82 *Producer - settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement

fund," into which he shall deposit payments made by handlers pursuant to §§ 915.83 and 915.85 and out of which he shall make payments to handlers pursuant to §§ 915.84 and 915.85.

§ 915.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of the month during which the milk was received, each handler shall pay to the market administrator the amount by which the value of the milk received by such handler from producers during such month as determined pursuant to § 915.70 is greater than the amount required to be paid producers by such handler pursuant to § 915.80.

§ 915.84 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler the amount by which the value of the milk received by such handler from producers during such month as determined pursuant to § 915.70 is less than the amount required to be paid producers by such handler pursuant to § 915.80, less any unpaid obligations of such handler to the market administrator pursuant to §§ 915.83, 915.85, 915.86 and 915.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 915.80 if he reduces his payments uniformly per hundredweight to all producers by an amount not in excess of the per hundredweight reduction in payment received from the market administrator. Such handler shall make such balance of payment to those producers to whom it is due on or before the date for making such payments pursuant to this section, next following that on which such balance of payment is received from the market administrator.

§ 915.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 915.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 915.80 with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hun-

dredweight of milk, or such amount not to exceed 4 cents as the Secretary may from time to time prescribe, and on or before the 15th day after the end of the month during which such milk was received shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments to such producers pursuant to § 915.80 as may be authorized by the membership agreement or by-laws of such cooperative association, and on or before the 15th day after the end of the month during which such milk was received shall pay such deductions to the cooperative association, of which such producers are members, rendering such services: *Provided*, That such deductions shall not be made from payments made to a cooperative association pursuant to the proviso in § 915.80.

§ 915.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, who received milk from producers, shall pay to the market administrator on or before the 12th day after the end of the month during which such milk was received 4 cents per hundredweight, or such amount not to exceed 4 cents as the Secretary may from time to time prescribe, with respect to all receipts of (a) other source milk which is classified as Class I milk, and (b) milk from producers (including such handler's own production).

§ 915.88 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the ob-

igation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

#### EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 915.90 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 915.91.

§ 915.91 *Suspension or termination.* Whenever the Secretary finds this order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision thereof.

§ 915.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 915.93 *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his pos-

session or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

§ 915.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 915.101 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[P. R. Doc. 50-7512; Filed, Aug. 28, 1950; 8:51 a. m.]

#### [7 CFR, Part 915]

##### HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

##### ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Akron, Ohio, marketing area), who, during the month of May 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.<sup>1</sup>

The month of May 1950 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[P. R. Doc. 50-7516; Filed, Aug. 28, 1950; 8:51 a. m.]

<sup>1</sup> See F. R. Doc. 50-7512, *supra*.

#### [7 CFR, Part 917]

[Docket No. AO-218]

##### HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

##### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Torrington, Wyoming, on May 4-6, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2141), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming, and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 10, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 5198, 5536). No exceptions to the recommended decision have been filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-7035; 15 F. R. 5198, 5536) are hereby approved, adopted, and incorporated herein, as the material issues and the findings and conclusions of this decision as if set forth in full herein.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Wyoming and Western Nebraska" and "Order Regulating the Handling of Irish Potatoes Grown in Wyoming and Western Nebraska", which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered.* That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said

agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

*Order<sup>1</sup> Regulating the Handling of Irish Potatoes Grown in Wyoming and Western Nebraska*

Sec.  
917.0 Findings and determinations.

DEFINITIONS

917.1 Secretary.  
917.2 "Act."  
917.3 Person.  
917.4 Production area.  
917.5 Potatoes.  
917.6 Handler; shipper.  
917.7 Ship; handle.  
917.8 Producer.  
917.9 Fiscal year.  
917.10 Administrative committee; marketing committee.  
917.11 Varieties.  
917.12 Seed potatoes.  
917.13 Table stock potatoes.  
917.14 Pack.  
917.15 Grade.  
917.16 Export.  
917.17 District and subdistrict.  
917.18 Part and subpart.

COMMITTEE

917.22 Establishment.  
917.23 Committee members and alternates.  
917.24 Term of office.  
917.25 Selection.  
917.26 Districts and subdistricts.  
917.27 Nomination.  
917.28 Failure to nominate.  
917.29 Acceptance.  
917.30 Vacancies.  
917.31 Alternate members.  
917.32 Procedure.  
917.33 Expenses and compensation.  
917.34 Powers.  
917.35 Duties.

EXPENSES, ASSESSMENTS, AND BUDGETS

917.40 Budget.  
917.41 Expenses.  
917.42 Rate of assessment.  
917.43 Increasing rate of assessment.  
917.44 Accounting.  
917.45 Collection of funds.  
917.46 Refunds.

REGULATION

917.50 Marketing policy preparation.  
917.51 Marketing policy report.  
917.52 Recommendation for regulations; Committee recommendations.  
917.53 Issuance of regulations.  
917.54 Modification, suspension, or termination.  
917.55 Minimum quantity regulation.  
917.56 Notification of regulation.  
917.57 Safeguards.

INSPECTION

917.65 Inspection and certification.

EXEMPTIONS

917.70 Procedure.  
917.71 Granting exemptions.  
917.72 Appeal.  
917.73 Records and reports of exemptions.

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

MISCELLANEOUS PROVISIONS

Sec.  
917.80 Reports.  
917.81 Compliance.  
917.82 Right of the Secretary.  
917.83 Effective time.  
917.84 Termination.  
917.85 Proceedings after termination.  
917.86 Effect of termination or amendment.  
917.87 Duration of immunities.  
917.88 Agents.  
917.89 Derogation.  
917.90 Personal liability.  
917.91 Separability.  
917.92 Amendments.

AUTHORITY: §§ 917.0 to 917.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 917.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Torrington, Wyoming, on May 4-6, 1950, upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming, and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) All handling of potatoes grown in the production area is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce;

(2) This order, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in the production area specified in this order by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(3) This order regulates the handling of potatoes grown in the production area

in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement on which a hearing has been held;

(4) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act; and

(5) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of potatoes grown in the production area.

*Order relative to handling.* It is, therefore, ordered that on and after the effective time hereof the handling of potatoes, as defined in this order, shall be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of this order are as follows:

DEFINITIONS

§ 917.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 917.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 917.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 917.4 *Production area.* "Production area" means all territory included within the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska.

§ 917.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 917.6 *Handler; shipper.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 917.7 *Ship; handle.* "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle"

shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing therein, or the sale or transportation within the production area of potatoes to a recognized packer for the purpose of having such potatoes prepared therein for market.

§ 917.8 *Producer*. "Producer" means any person engaged in the production of potatoes for market.

§ 917.9 *Fiscal year*. "Fiscal year" means the period beginning on June 1 of each year and ending on the last day of May following.

§ 917.10 *Administrative committee; marketing committee*. "Administrative committee" means the Wyoming-Western Nebraska Potato Committee established pursuant to § 917.22 (a); and "marketing committee" means each of the district marketing committees established pursuant to § 917.22 (b).

§ 917.11 *Varieties*. "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 917.12 *Seed potatoes*. "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the respective State or such other seed certification agencies as the Secretary may designate.

§ 917.13 *Table stock potatoes*. "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 917.14 *Pack*. "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by the administrative committee and approved by the Secretary.

§ 917.15 *Grade*. "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon; or

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 917.16 *Export*. "Export" means shipments of potatoes beyond the boundaries of continental United States.

§ 917.17 *District, and subdistrict*. "District" means each of the districts of the production area established pursuant to § 917.26; and "subdistrict" means each of the subdistricts established pursuant to the same section.

§ 917.18 *Part and subpart*. "Part" means the order regulating the handling

of Irish potatoes grown in the production area, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part".

#### COMMITTEE

§ 917.22 *Establishment*—(a) *Administrative Committee*. The Wyoming-Western Nebraska Potato Committee consisting of six members, four of whom shall be producers and two of whom shall be handlers, is hereby established. All of such members shall be members of a marketing committee under this subpart.

(b) *Marketing committees*. Marketing committees are hereby established as follows:

(1) *District No. 1 Potato Marketing Committee*. This committee shall consist of nine members, six of whom shall be producers and three of whom shall be handlers.

(2) *District No. 2 Potato Marketing Committee*. This committee shall consist of nine members, six of whom shall be producers and three of whom shall be handlers.

§ 917.23 *Committee members and alternates*. For each member of each committee there shall be an alternate who shall have the same qualifications as the member. Each person selected as a marketing committee member or alternate to represent producers in a subdistrict shall be an individual who is a producer or officer or employee of a producer in such subdistrict. Each person selected as a marketing committee member or alternate to represent handlers in a district shall be an individual who is a handler or officer or employee of a handler in such district.

§ 917.24 *Term of office*. (a) The respective terms of office of administrative committee members and alternates and marketing committee members and alternates shall be two fiscal years: *Provided*, That the term of office of a majority of the initial members and respective alternates of each committee shall be one fiscal year. Each member and alternate shall continue to serve until the respective successor is selected and has qualified.

(b) *Administrative and marketing committee members and alternates* shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify.

§ 917.25 *Selection*—(a) *Administrative committee*. The Secretary shall select the members and alternates of the Wyoming-Western Nebraska Potato Committee as follows: Two producer members and alternates and one handler member and alternate from each marketing committee established under this subpart.

(b) *Marketing committee*. The Secretary shall select marketing committee members and alternates as follows: For District No. 1 Potato Marketing Committee, four producer members and alternates from subdistrict 1 A, two producer members and alternates from subdistrict 1 B, and three handler members from District No. 1; and for District No.

2 Potato Marketing Committee, four producer members and alternates from subdistrict 2 A, two producer members and alternates from subdistrict 2 B, and three handler members from District No. 2. The aforesaid districts and subdistricts are established pursuant to § 917.26.

§ 917.26 *Districts and subdistricts*. As a basis for selecting marketing committee members, the following districts and subdistricts of the production area are hereby established:

Districts	Subdistricts	State and counties
District No. 1.....	1A	Converse, Niobrara, Platte, Goshen and Laramie Counties in Wyoming.
	1B	All the remaining counties in Wyoming within the production area not included in subdistrict 1A.
District No. 2.....	2A	Scotts Bluff County in Nebraska.
	2B	All the remaining counties in Nebraska within the production area not included in subdistrict 2A.

§ 917.27 *Nomination*. The Secretary may select the members of the administrative committee and the marketing committees and their respective alternates from nominations which may be made in the following manner:

(a) *Nominations for members of the administrative committee and their respective alternates* to represent a district may be submitted by the marketing committee serving such district. At least two nominees from among the membership on such marketing committee shall be designated for each position to be filled on the administrative committee. Nominations for administrative committee members and their respective alternates shall be supplied to the Secretary in such manner and form as he may prescribe, as soon as practical after the respective marketing committee organizes and begins operating during the term for which selected.

(b) *Nominations for initial producer members of each marketing committee and their respective alternates* may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by such producers. Nominations for initial handler members of each marketing committee and their respective alternates may be submitted by handlers, or groups thereof, and such nominations may be by virtue of elections conducted by such handlers.

(c) In order to provide nominations for successor members and alternate members on a marketing committee:

(1) The Wyoming-Western Nebraska Potato Committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in the district served by the committee;

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committee which is vacant or which is to become vacant at the end of the then current fiscal year;

## PROPOSED RULE MAKING

(3) Nominations for marketing committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 45 days prior to the end of such fiscal year;

(4) Only producers may participate in designating nominees for producer members and their alternates and only handlers may participate in designating nominees for handler members and their alternates;

(5) Each person who is both a handler and a producer may vote either as a handler or as a producer and shall elect the group in which he votes; and

(6) Regardless of the number of subdistricts in which a person is a producer, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for each producer member position and each producer alternate member position to be filled on such committee: *Provided*, That in the event a person is a producer in more than one subdistrict, such person shall elect the subdistrict within which he will participate as aforesaid in designating nominees.

§ 917.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 917.27, the Secretary may, without regard to nominations, select administrative committee, and marketing committee, members and alternates, which selection shall be on the basis of the representation provided in this subpart.

§ 917.29 *Acceptance.* Any person selected as a member or as an alternate member on any committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 917.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 917.27, or the Secretary may select such committee member or alternate from previously unselected nominees on the applicable current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided in this subpart.

§ 917.31 *Alternate members.* An alternate member of any committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or inability to act. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 917.32 *Procedure.* (a) Four members of the Wyoming-Western Nebraska

Potato Committee shall be necessary to constitute a quorum of the administrative committee and a like number of concurring votes shall be necessary to pass any motion or approve any committee action.

(b) Five members of a marketing committee shall be necessary to constitute a quorum of such committee and a like number of concurring votes shall be necessary to pass any motion or approve any action of such committee.

(c) Committee meetings may be conducted by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 917.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the administrative committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending to committee business.

§ 917.34 *Powers.* The Wyoming-Western Nebraska Potato Committee and each of the marketing committees shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 917.35 *Duties.*—(a) *Administrative committee.* It shall be the duty of the Wyoming-Western Nebraska Potato Committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select, from among its membership, a chairman and such other officers as may be necessary, and subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and such minutes, books, and records shall be subject to examination

at any time by the Secretary or his authorized agent or representative;

(7) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses and assessments for such fiscal year, together with a report thereon;

(8) To recommend the rate of assessment to cover the expenses set forth in the budget;

(9) To cause the books of the administrative committee to be audited by a competent accountant at least once each fiscal year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information when deemed desirable by the administrative committee with other potato administrative committees and other individuals or agencies in connection with all proper activities and objectives of such committee under this part.

(b) *Marketing committees.* It shall be the duty of each marketing committee:

(1) To nominate members and alternates for the Wyoming-Western Nebraska Potato Committee;

(2) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(3) To make recommendations pursuant to § 917.52 for the issuance of regulations to be applicable to shipments from the district served by the respective committee;

(4) To act as intermediary between the Secretary and any producer or handler;

(5) To select, from among its membership, a chairman and such other officers as may be necessary and to select subcommittees of committee members;

(6) To adopt such rules and regulations for the conduct of its business as it may deem advisable; and

(7) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative.

## EXPENSES, ASSESSMENTS, AND BUDGETS

§ 917.40 *Budget.* The administrative committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The administrative committee shall also transmit a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 917.41 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or on the

basis of other available information, finds may be necessary and appropriate during each fiscal year.

**§ 917.42 Rate of assessment.** The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary on the basis of the administrative committee's recommendation or other available information. Each handler who first ships potatoes shall pay assessments to the administrative committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by such committee during each fiscal year. Such handler's share of such expenses shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

**§ 917.43 Increasing rate of assessment.** Upon recommendation of the administrative committee or upon a later finding relative to such committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

**§ 917.44 Accounting.** All funds received by the administrative committee pursuant to any provision of this part shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the administrative committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be an administrative or marketing committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

**§ 917.45 Collection of funds.** The administrative committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of its expenses.

**§ 917.46 Refunds.** If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

## REGULATION

**§ 917.50 Marketing policy preparation.** (a) At the beginning of each marketing season the administrative committee and the marketing committees shall hold a joint meeting to consider a proposed policy for the marketing of potatoes grown in the respective districts during such season. In developing such marketing policy the committees shall investigate relevant supply and demand conditions for potatoes and in such investigations shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs;

(2) Supply of potatoes, by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(b) Following such joint consideration of marketing policy, each marketing committee shall adopt a proposed policy for the marketing of potatoes grown in its district and prepare a report thereon.

**§ 917.51 Marketing policy report.** (a) Each marketing committee shall submit to the Secretary a report setting forth the aforesaid marketing policy, and a copy of such report shall be made available to the administrative committee. Each committee with the assistance of the administrative committee also shall notify producers and handlers of the contents of such reports.

(b) In the event it becomes advisable for a marketing committee to deviate from its marketing policy, because of changed supply and demand conditions, the administrative committee and the marketing committees shall formulate a new marketing policy in accordance with the manner previously outlined. Such marketing committee also shall submit a report thereon to the Secretary, also to the administrative committee, and notify, with the assistance of the administrative committee, producers and handlers of such revised or amended marketing policy.

**§ 917.52 Recommendation for regulations; committee recommendations.** Each marketing committee shall recommend regulation, for the district which it serves, to the Secretary whenever it finds that such regulation, as provided in § 917.53, will tend to effectuate the declared policy of the act. Each marketing committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes, grown in such district, pursuant to § 917.54.

**§ 917.53 Issuance of regulations.** The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by any marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of

any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing, and maintaining in effect in terms of grades, sizes, or both, minimum standards of quality or maturity, or both.

**§ 917.54 Modification, suspension, or termination.** The Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 917.42, 917.53, or 917.55, or any combination thereof, in order to facilitate shipments of potatoes for one or more of the following purposes, whenever he finds, upon the basis of the recommendations and information submitted by any marketing committee for the district served by such committee, or from other available information, that such action will tend to effectuate the declared policy of the act:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government;

(d) For manufacture or conversion into specified products;

(e) For livestock feed; and

(f) For other purposes which may be specified.

**§ 917.55 Minimum quantity regulation.** Each marketing committee, with the approval of the Secretary, may establish for any or all portions of the production area, served by such committee, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 917.42, 917.43, 917.53, or 917.55 or any combinations thereof.

**§ 917.56 Notification of regulation.** The Secretary shall notify the administrative committee and marketing committees of each regulation issued, and modification, suspension, or termination thereof. The administrative committee with the assistance of the marketing committees shall give reasonable notice thereof to producers and handlers.

**§ 917.57 Safeguards.** (a) The administrative committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 917.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by such committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the administrative committee to ship potatoes pursuant to § 917.54;

(2) Handlers shall obtain inspection provided by § 917.65 or pay the aforesaid pro rata share of expenses, or both, in connection with potato shipments effected under the provisions of § 917.54; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes

effected or to be effected under the provisions of § 917.54.

(b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 917.54 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

#### INSPECTION

§ 917.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 917.42, 917.43, or 917.53, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal Inspection Service or such other inspection service as the Secretary shall designate. Each handler procuring inspection pursuant to this section shall make arrangements with the inspecting agency to forward promptly to the administrative committee a copy of the inspection certificate: *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

#### EXEMPTIONS

§ 917.70 *Procedure.* The administrative committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers and to handlers.

§ 917.71 *Granting exemptions.* (a) Such committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 917.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production and that the grade, size, and quality, or either thereof, of the applicant's potatoes, has been adversely affected by acts beyond the applicant's control and by acts beyond his reasonable expectation.

Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) Such committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 917.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings (acquired as aforesaid) handled by all handlers in said applicant's immediate shipping area, and that the grade, size, and quality, or either thereof of the applicant's potatoes, has been adversely affected by acts beyond the applicant's control and by acts beyond his reasonable expectation. Each such certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 917.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Each applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 917.73 *Records and reports of exemptions.* (a) The administrative committee shall maintain records of all applications submitted for exemption certificates, of all exemption certificates issued, of the respective quantity of potatoes covered by each such exemption certificate, of the amount of potatoes shipped under exemption certificates, and of appeals submitted for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 917.70, 917.71, or 917.72, or any combination thereof.

#### MISCELLANEOUS PROVISIONS

§ 917.80 *Reports.* Upon the request of the administrative committee, with approval of the Secretary, every handler

shall furnish to such committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee and the marketing committees to exercise their powers and perform their duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 917.81 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 917.82 *Right of the Secretary.* The members of the administrative committee (including successors and alternates) and any agent or employee appointed or employed by such committee, and the members of the marketing committees (including successors and alternates) shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of each such committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 917.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart and shall continue in force until terminated in one of the ways hereinafter specified.

§ 917.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 917.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the administrative committee shall continue as trustees, for the purpose of liquidating the affairs

of such committee and the marketing committees, of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the aforesaid committees and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed in this part.

**§ 917.86 Effect of termination or amendment.** Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

**§ 917.87 Duration of immunities.** The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

**§ 917.88 Agents.** The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

**§ 917.89 Derogation.** Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted, by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 917.90 Personal liability.** No member, or alternate of the administrative committee or any marketing committee, or any employee or agent of the administrative committee, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or other person for

errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty.

**§ 917.91 Separability.** If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 917.92 Amendments.** Amendments to this subpart hereto may be proposed, from time to time, by the administrative committee, or by any marketing committee, or by the Secretary.

[F. R. Doc. 50-7511; Filed, Aug. 28, 1950; 8:51 a. m.]

## [ 7 CFR, Part 917 ]

[Docket No. AO-218]

### HANDLING OF IRISH POTATOES GROWN IN WYOMING AND WESTERN NEBRASKA

#### ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted among producers who, during the period June 1, 1949, to May 31, 1950, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production, in the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in Wyoming, and the counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in Nebraska, of Irish potatoes for market, to determine whether such producers approve or favor the issuance of an order regulating the handling of Irish potatoes grown therein; and said order is annexed to the decision of the Secretary of Agriculture filed<sup>1</sup> simultaneously herewith.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 P. R. 5176).

A. C. Cook, R. P. Callaway, H. C. Hess, and W. D. Mathias of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture are hereby designated as agents of the Secretary of Agri-

<sup>1</sup> See F. R. Doc. 50-7511, *supra*.

culture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid order may be examined in the Office of the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington, D. C., and at the county Production and Marketing Administration office in each of the counties within the specified production area.

Ballots to be cast in the referendum and copies of the text of the order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 24th day of August 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-7517; Filed, Aug. 28, 1950; 8:51 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR, Part 50 ]

#### PRIMARY FLYING SCHOOL FLIGHT CURRICULUM

##### NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation notice is hereby given that the Bureau will propose to the Board an extension of Special Civil Air Regulation SR-336 in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 29, 1950, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after October 4, 1950, for perusal by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Special Civil Air Regulation SR-336 provides for the issuance of an air agency certificate with a primary flying school rating to an applicant who will, in lieu of the requirements of § 50.13 (a) of the Civil Air Regulations, provide at least 55 hours of flight training of which not less than 10 hours shall be solo flight time, not less than 15 hours dual instruction time, and not less than 30 hours flight instruction time with the student acting in the capacity of an observer. The student undergoing such instruction will obtain only a total of 25 hours while actually manipulating the controls of an airplane. Thus, this Special Civil Air Regulation substitutes 30 hours of controlled observer time for 10 hours of pilot time. Special Civil Air Regulation SR-336 terminates October 18, 1950.

Information received by this Bureau indicates that approximately 46 schools

## PROPOSED RULE MAKING

have been approved by the Administrator to provide training in accordance with the provisions of Special Civil Air Regulation SR-336, but that only a very few have actually commenced training. We also understand that additional schools are desirous of instituting this type of training.

We have been advised that none of the students who have matriculated into these courses have completed their training, and that therefore the Administrator has not had sufficient time in which to evaluate the results thereof. Nor is it anticipated that the Administrator will have time to make such an evaluation prior to the termination date of Special Civil Air Regulation SR-336.

Accordingly, it is proposed to postpone the termination date of Special Civil Air Regulation SR-336 until October 13, 1951. It is anticipated that within such time the Administrator will be able to accumulate sufficient data on which to make a determination with respect to the continuance of this type of training.

It is also proposed to permit a graduate of this course of training, who passes his examination for a private rating, to credit not more than 10 hours of the "dual instruction observer" time as dual instruction flight time and to obtain a private pilot rating without any endorsement based upon the flight time completed.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 62 Stat. 1216, 49 U. S. C. 551-560, act of July 1, 1948)

Dated: August 24, 1950, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,  
Director.

[F. R. Doc. 50-7515; Filed, Aug. 28, 1950;  
8:52 a. m.]

## FEDERAL SECURITY AGENCY

## Food and Drug Administration

## [21 CFR, Part 17]

[Docket No. FDC-31 (b)]

## BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

## ORDER EXTENDING TIME FOR FILING EXCEPTIONS TO TENTATIVE ORDER

On August 8, 1950 there was published in the FEDERAL REGISTER (15 F. R. 5102 et seq.) a notice of proposed rule making issued by the Acting Federal Security

Administrator in the matter of fixing and establishing definitions and standards of identity for various types of bread, rolls, and buns. The notice provided that any person whose appearance was filed at the hearing may, within 30 days from the date of publication, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions to the proposed order, which exceptions may be accompanied by a memorandum or brief in support thereof.

The Federal Security Administrator, having been petitioned by interested persons whose appearances were filed at the hearing, to extend the period of time in which such exceptions and supporting memoranda or briefs may be filed, and good cause therefor appearing: *It is ordered*, That the time for filing such documents be hereby extended to October 9, 1950, and that said extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: August 23, 1950.

[SEAL] JOHN L. THURSTON,  
Acting Administrator.

[F. R. Doc. 50-7488; Filed, Aug. 28, 1950;  
8:48 a. m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ARIZONA

## CLASSIFICATION ORDER AMENDED

AUGUST 21, 1950.

1. Pursuant to authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby amend Arizona Small Tract Classification No. 19, approved August 8, 1950, to include and classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described lands in the Phoenix, Arizona Land District, embracing 160 acres,

ARIZONA SMALL TRACT CLASSIFICATION No. 19,  
AMENDED

For lease and sale for all purposes authorized by the Act except business sites:

T. 4 N., R. 3 E., G. & S. R. B. & M., Arizons,  
Sec. 28, W $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$ .

2. Section 2 of the original order approved August 8, 1950 is hereby adopted and made a part hereof in its entirety.

3. As to applications regularly filed prior to 1:00 p. m. s. t. on May 7, 1946, and which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications of the class referred to in section 3, this order shall not become effective to permit leasing under the Small Tract Act of June 1, 1938, as amended, until 10:00 a. m. s. t. on October 23, 1950. At that time such lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) Ninety-one day preference period for qualified veterans of World War II from 10:00 a. m. on October 23, 1950 to close of business on January 21, 1951.

(b) Advance period for veterans' simultaneous filings from 1:00 p. m. on May 7, 1946 to 10:00 a. m. on October 23, 1950.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally commencing at 10:00 a. m. on January 22, 1951.

(a) Advance period for simultaneous non-preference right filings from 1:00 p. m. on May 7, 1946, to 10:00 a. m. on January 22, 1951.

6. Applications filed within the periods mentioned in sections 4 (b) and 5 (a) will be treated as simultaneously filed.

7. Sections 7, 8, and 9 of the original order are made a part hereof by reference.

8. Leases will contain an option to purchase clause at appraised values as follows:

Section 28

W $\frac{1}{2}$ SE $\frac{1}{4}$ , \$100.00 per 5-acre tract.

## Section 33

W $\frac{1}{2}$ NE $\frac{1}{4}$ , \$100.00 per 5-acre tract.

As to applications to purchase, construction of improvements, provisions for assignment and renewal, compliance with Federal, State, county and municipal laws, right-of-way, set-back of structures from exterior boundaries of tracts and roads and streets, surveys, reservations of fissionable material sources and minerals, and inquiries, sections 10 (a), (b) and (c), and sections 11, 12, 13, 14, 15, 16 of the original order No. 19 approved August 8, 1950 are made a part of this amended order, and the terms and conditions contained in said last enumerated sections shall be the terms and conditions of this amendment as to all matters mentioned therein.

E. R. SMITH,  
Regional Administrator.

[F. R. Doc. 50-7466; Filed, Aug. 28, 1950;  
8:45 a. m.]

[Misc. 58191]

## NEVADA

## ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

AUGUST 22, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43

U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

**MOUNT DIABLO MERIDIAN**

T. 42 N., R. 19 E.,  
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 14 N., R. 26 E.,  
Sec. 27, SW $\frac{1}{4}$ ;  
Sec. 28, SE $\frac{1}{4}$ .  
T. 45 N., R. 30 E.,  
Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 16 N., R. 42 E.,  
Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 29 N., R. 43 E.,  
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 36.  
T. 20 S., R. 62 E.,  
Sec. 35, SE $\frac{1}{4}$ .

The area described aggregates 1,560 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications

filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, JR.,  
Assistant Director.

[F. R. Doc. 50-7467; Filed, Aug. 28, 1950;  
8:45 a. m.]

**Office of the Secretary**

[Order 2567, Amdt. 1]

**OFFICE OF TERRITORIES**

**DELEGATION OF AUTHORITY**

AUGUST 22, 1950.

Order No. 2567 is amended by substituting the words "Office of Territories" for the words "Division of Territories and Island Possessions" wherever they appear.

OSCAR L. CHAPMAN,  
Secretary of the Interior.

[F. R. Doc. 50-7468; Filed, Aug. 28, 1950;  
8:45 a. m.]

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**CONTRACTING OFFICERS**

**DELEGATION OF AUTHORITY WITH RESPECT TO 1950 PEANUT PRICE SUPPORT PROGRAM**

Pursuant to the authority vested in the President of Commodity Credit Cor-

poration by the bylaws of Commodity Credit Corporation, each member of each Production and Marketing Administration county committee is hereby appointed a contracting officer of Commodity Credit Corporation for the purpose of executing, in the name of the Corporation, Form MQ-92, "Agreement by Operator of Overplanted Farm," in connection with the 1950 Peanut Price Support Program.

The authority hereby conferred shall be exercised only in conformity with the applicable policies, plans, procedures, and instructions of the Production and Marketing Administration and of the Commodity Credit Corporation.

[SEAL] RALPH S. TRIGG,  
President,  
Commodity Credit Corporation.

AUGUST 24, 1950.

[F. R. Doc. 50-7508; Filed, Aug. 28, 1950;  
8:51 a. m.]

**DEPARTMENT OF COMMERCE**

**Federal Maritime Board**

MEMBER LINES OF ATLANTIC AND GULF/  
WEST COAST OF SOUTH AMERICA CON-  
FERENCE ET AL.

**NOTICE OF AGREEMENTS FILED FOR  
APPROVAL**

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended.

Agreement No. 2744-18, between the member lines of the Atlantic and Gulf/West Coast South America Conference, modifies the basic agreement of said Conference (No. 2744) to provide that the method of payment and collection of freight and other charges shall be as agreed and shown in the Conference tariffs. Agreement 2744 presently provides that freight and other charges shall be quoted, charged and collected in United States currency.

Agreement No. 7590-3, between the member lines of the East Coast Colombia Conference, modifies the basic agreement of said conference (No. 7590) to provide that the method of payment and collection of freight and other charges shall be as agreed and shown in the Conference tariffs. Agreement 7590 presently provides that freight and other charges shall be quoted, charged and collected in United States currency.

Agreement No. 7763-1, between Aktieselskapet Luksefjell, Aktieselskapet Dovrefjell, Aktieselskapet Falkefjell, Aktieselskapet Rudolf and Olsen & Ugelstad, modifies the approved Fjell Line Joint Service Agreement (No. 7763) to remove Olsen & Ugelstad as a participating carrier in such joint service agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with

request for hearing should such hearing be desired.

Dated: August 24, 1950.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS,  
Secretary.

[F. R. Doc. 50-7477; Filed, Aug. 28, 1950;  
8:46 a. m.]

## National Bureau of Standards

### ESTABLISHMENT, PURPOSE, FUNCTION, ORGANIZATION AND PROCEDURES

The following description of the establishment, purpose, functions, organization, and procedures of the National Bureau of Standards supersedes the material formerly published in the codification section of the FEDERAL REGISTER as Part 250 (11 F. R. 326); Part 251 (11 F. R. 326, 13 F. R. 321); Part 252 (11 F. R. 327, 12 F. R. 5866, 13 F. R. 2508); Part 253 (11 F. R. 327-329, 12 F. R. 5866, 13 F. R. 321, 13 F. R. 2508); and Part 254 (11 F. R. 329-330, 13 F. R. 2508).

**SECTION I. Establishment.** The National Bureau of Standards was established by act of Congress dated March 3, 1901 (31 Stat. 2449; 15 U. S. C. 271).

**SEC. II. Purpose and functions—1. Basic functions.** a. The National Bureau of Standards is the principal agency of the Federal Government for fundamental research in physics, mathematics, chemistry, and engineering. It is responsible for the custody and maintenance of the national standards of physical measurement in terms of which all working standards in research laboratories and industry are calibrated, and carries on necessary research leading to improvement in such standards and methods of measurement. It also has a general responsibility for basic research in physics, mathematics, chemistry, and engineering, and for development of improved methods for testing materials, mechanisms, and structures. It determines physical constants and properties of materials, tests and calibrates standard measuring apparatus and reference standards, and studies technical processes.

b. A large part of the work of the Bureau is concerned with the development of specifications for, and the testing of, materials, supplies (other than foods and drugs) and equipment for the Federal Government; the invention and development of devices to serve special needs of the Government; and with rendering advisory service to, and performing specialized functions for, other Government agencies on scientific and technical problems. Cooperation is extended to States, industries, and national organizations in the development of standard specifications and standard engineering and safety codes.

c. The services to the public include the furnishing of information regarding Bureau research and testing activities which is available for publication, furnishing of standard samples of chemicals, metals, and other materials, and

the testing of materials and equipment and calibration of instruments when such services are in the public interest and are not available of sufficient accuracy elsewhere.

2. **Research Associate Plan.** Many research projects at the Bureau originate in requests from industrial groups and are carried on in cooperation with the organizations primarily interested. The Research Associate Plan, inaugurated soon after World War I, was devised to further this cooperation, and provides a satisfactory method for assisting an industrial group in the solution of a problem of interest directly to that industry and directly or indirectly to the general public, but in which the Government is not sufficiently concerned to bear the entire cost. Under this plan an industrial or technical group may send to the Bureau one or more research men or women to work on the group's problem under the technical direction of Bureau staff members, with the supporting group paying the salaries of these "Research Associates". The results of their work become public property and are published in the Bureau's Journal of Research or in the technical press. As many as 100 Research Associates, sponsored by 20 or more groups, have been stationed at the Bureau at one time.

3. **Federal specifications.** The Federal Specifications Board, under the chairmanship of the Director of the National Bureau of Standards, acting in cooperation with the staff of the Federal Supply Service of the General Services Administration, is charged with the responsibility of the preparation, revision, and amendment of purchase specifications promulgated by the Federal Supply Service for supplies used by the Executive departments and agencies. This function is discharged through the operation of 78 Federal Specifications Technical Committees.

4. **Weights and measures.** The United States was a signatory to the treaty under which the International Bureau of Weights and Measures was created in 1875. The National Bureau of Standards has participated in the affairs of the International Bureau, the International Conference on Weights and Measures, and the International Committee, which is an executive agency for the International Conference. Through its Office of Weights and Measures the National Bureau of Standards promotes uniformity in laws, rules, regulations, and general administrative procedures of State and local weights and measures jurisdictions, and in the specifications, tolerances, and testing methods for commercial weighing and measuring devices. As a part of this activity, the Bureau conducts an annual National Conference on Weights and Measures. This office also performs calibrations of weighing scales, force-measuring devices, railway master scales and test weight cars, and conducts research and evaluation of multiple weighing devices and techniques.

**SEC. III. Organization—1. Office of the Director—**a. **Purpose and functions.** The Director is appointed by the President and is responsible for adminis-

tering the affairs of the Bureau under the direction of the Secretary of Commerce, in accordance with the statutes, executive orders, rules and regulations of the Department of Commerce, and rules and regulations of the regulatory agencies of the Federal Government.

b. The Office of the Director includes (a) Associate Directors who assist and advise the Director in the performance of his duties; exercise direct supervision over segments of the technical program as assigned by the Director; and actively aid the Director in management of the Bureau by assisting him in program planning and in coordinating technical work among divisions working in allied fields at the Bureau, and in assuring that scientific work at the Bureau is properly related to the requirements of industry, science, commerce, and government; (b) an Assistant to the Director in charge of the Office of Scientific Publications, the activities of which include the compilation, editing, and publication of reports on research, development, and testing in Bureau laboratories, as well as the operation of the Bureau library; and (c) an Executive Assistant who serves as staff assistant to the Director on program management matters, and, with the assistance of the Executive Officer, supervises the administration of the Planning Staff, and the Fiscal, Supply, Personnel, Plant, Shops, and Administrative Services Divisions.

2. **Scientific and Technical Divisions—**a. **Purpose and functions.** Generally speaking, each scientific and technical division of the Bureau is engaged in activities categorized as follows: (1) Fundamental research, involving fundamental physical phenomena and basic properties of matter; (2) applied research, involving the application of basic knowledge to development of new scientific and technological processes and materials, the determination of the physical characteristics of industrial materials, structure and equipment, and the investigation of physical phenomena in connection with the development of technical devices; (3) development, involving measurement standards, instrument techniques and methods; commodity testing techniques and design of testing devices; materials and technological processes, and design, construction or technical evaluation of special devices important to national welfare and defense; (4) testing, calibration and specifications, involving calibration of instruments, analysis and preparation of sample standards for physical measurement; formulation of purchase specifications and standards; acceptance testing of commodities used by the Federal Government; and technical and advisory services to governmental agencies; and (5) general services, involving compilation and dissemination of the scientific and technical data of the Bureau; production of special materials for the specific needs of the Federal Government; and operation of special technical installations and services. These activities are conducted by each Division with relation to the particular field or branch of science with which the Division is concerned.

b. *Organization.* There are 15 scientific and technical divisions subdivided into more than 100 sections in which research is conducted relating to one or more phases of the branch of science or field activity assigned to the division. There are listed below the several divisions and the fields of activity covered by each:

(1) *Division of Electricity.* (i) Resistance, inductance, capacitance, magnetic properties, electrochemical constants; and (ii) electrical instruments, batteries, and related apparatus.

(2) *Division of Optics and Metrology.* (i) Measurements of length, thermal expansivity, angles; (ii) gas measuring instruments, gages; (iii) photometry, colorimetry, optical engineering, photographic technology; (iv) interferometry; and (v) techniques of identification.

(3) *Division of Heat and Power.* (i) Temperature measurements, thermodynamics, low-temperature physics, thermal properties of materials; (ii) performance of automotive and aircraft engines, and accessories thereto; (iii) lubricants and fuels; and (iv) combustion.

(4) *Division of Atomic and Radiation Physics.* (i) Spectroscopy, infra-red and ultra-violet radiation; (ii) radioactivity, x-rays, mass spectrometry; and (iii) nuclear and electronic physics.

(5) *Division of Chemistry.* (i) Characteristics of paints, lacquers and varnishes; detergents; chemical reagents; carbohydrates and other organic substances; gases; and (ii) analytical chemistry, organic chemistry, inorganic chemistry, physical chemistry, thermochemistry, chemical microscopy, spectrochemical analysis, electrodeposition.

(6) *Division of Mechanics.* (i) Sound, aerodynamics, engineering mechanics, hydraulics; (ii) mechanical and aeronautical instruments, and mechanical appliances; and (iii) measurements of mass, time, capacity and density.

(7) *Division of Organic and Fibrous Materials.* (i) Rubber, textiles, paper, leather; (ii) organic plastics; and (iii) dental materials and structure of teeth.

(8) *Division of Metallurgy.* (i) Physical metallurgy; (ii) chemical metallurgy; (iii) surface metallurgy; and (iv) corrosion of metals.

(9) *Division of Mineral Products.* (i) Properties and behavior of porcelain, pottery, glass, refractories, vitreous enameled articles; (ii) properties of concreting materials, lime, gypsum, building stone; and (iii) synthesis, constitution, microstructure, properties, and behavior of crystals.

(10) *Division of Building Technology.* (i) Building and safety codes; (ii) behavior of building materials in structures; and (iii) fire protection, heating, air conditioning, and building equipment and fixtures.

(11) *National Applied Mathematics Laboratories.* (i) Numerical analysis and applied mathematics; (ii) application of statistical principles to scientific and technical problems and processes; (iii) application of high-speed digital computing machines; and (iv) analytical and computing services to other government agencies, and the preparation of mathematical tables.

(12) *Division of Electronics.* (i) Development, construction and technical services related to high speed automatic computing machines and their application; (ii) fundamental processes in electron tubes, special purpose electron tubes; (iii) special purpose electronic instrumentation, electronic control devices; and (iv) specialized components for electronic devices.

(13) *Division of Ordnance Development.* (i) Research and development and evaluation of electronic ordnance devices and components and systems therefor at the request of and in accordance with requirements of the Department of Defense.

(14) *Central Radio Propagation Laboratory.* (i) Physical phenomena affecting propagation of radio waves; (ii) prediction of radio propagation conditions; (iii) radio measurement methods and standards; and (iv) frequency utilization.

(15) *Division of Missile Development.* (i) Research, development and evaluation of guided missiles and components and systems therefor at the request of and in accordance with the requirements of the Department of Defense.

3. *Field stations.* Field stations and laboratories, the names of which indicate the type of work being carried on at each location, are maintained as set forth in the following tabulation:

#### DOMESTIC

Master Railway Track Scale Depot, Clearing, Ill.  
Materials Testing Laboratory, San Francisco, Calif.  
Materials Testing Laboratory, Denver, Colo.  
Materials Testing Laboratory, Allentown, Pa.  
Materials Testing Laboratory, Seattle, Wash.  
Institute of Numerical Analysis, Los Angeles, Calif.  
Blossom Point Proving Ground, La Plata, Md.  
Warren Grove Test Field, Tuckerton, N. J.  
Radio Transmitting Station, Beltsville, Md.  
Radio Propagation Laboratory, Sterling, Va.  
Radio Propagation Field Station, Colorado Springs, Colo.  
Radio Propagation Field Station, Las Cruces, N. Mex.  
Radio Propagation Field Station, Ft. Belvoir, Va.

#### OVERSEAS

Radio Propagation Field Station, Anchorage, Alaska.  
Radio Propagation Field Station, Point Barrow, Alaska.  
Radio Propagation Field Station, Guam Island.  
Radio Propagation Field Station, Maul, T. H.  
Radio Propagation Field Station, Palmyra Island.  
Radio Propagation Field Station, P. R.  
Radio Propagation Field Station, Trinidad, British West Indies.

SEC. IV. *Procedures.* In general, no formal procedures are prescribed for obtaining service from the National Bureau of Standards.

1. *Information.* Information on technical and scientific subjects within its field of work is supplied by the Bureau by means of publications, by correspondence, and by personal interviews with in-

quirers. All such service is given without charge, except that publications can be supplied free only to reference libraries or in answer to requests for information on specific problems. The regular method of distributing publications is through sales by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

2. *Calibrations and tests for Government agencies.* Comparisons and calibrations of instruments or standards of measurement and work related thereto which may be carried on for the benefit of, or at the request of other Federal agencies or State governments shall be performed without charge within the limits of funds appropriated therefor; tests, investigations, and related work incident thereto, whether for developing commodity specifications, acceptance of commodities, or as information for use by regulatory or enforcement agencies when performed for other Federal agencies and the District of Columbia, shall be performed in most instances on a reimbursement basis or by advance of funds under the working fund method. Requests for such calibrations or tests should be made in writing to the Bureau but no special form is required.

3. *Tests for the public.* The Bureau is authorized by law to perform services within its field "for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments", provided that in each case of such service a fee shall be charged sufficient to cover the cost of the service rendered as set forth in 15 CFR, Supp., Parts 200-215. The policy of the Department of Commerce, however, has been to undertake testing for the public only when satisfactory service cannot be obtained from other laboratories. Tests for the public are therefore limited almost entirely to those involving comparison of laboratory standards or instruments with the national standards. A compilation of tests performed for the public and the fee charged has been published in NBS Circular 483 which is available for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Requests for such tests should be made in writing to the National Bureau of Standards, Washington 25, D. C., specifying by test fee schedule number the test desired.

4. *Research for Government agencies.* On request from any government agency the Bureau will carry out needed investigations which are within its field of work and for which it has facilities. When the Bureau is unable to perform such work within the limits of its direct appropriations any department or independent establishment having funds available for scientific investigations may transfer to the Bureau such sums as may be necessary to carry on such investigations.

5. *Research Associate Plan.* Arrangements for carrying on an investigation under the Research Associate Plan (see sec. 11, par. 2) are made by conference with the organizations sup-

## NOTICES

porting the project and recorded by an exchange of letters. Funds contributed for such projects are not handled by the Bureau but are usually deposited with and disbursed by some appropriate organization, such as the National Research Council.

6. *Transcript services.* The Bureau is authorized to furnish transcripts of its studies and records, and certification of its printed and processed publications, to any person, firm or corporation, upon receipt of a written request, provided that a fee for such service be charged sufficient to cover the cost of the service rendered as set forth in 15 CFR, Part 235. Requests for such transcripts or certifications should be in writing, and should provide sufficient information to enable the Bureau to identify properly the specific study, record, or publication referred to.

7. *Standard samples.* The Bureau is authorized to furnish, upon request, standard samples of substances to be used in the analysis and physical measurement of materials, provided that a fee shall be charged sufficient to cover the cost of the standard sample, as set forth in 15 CFR, Supps., Part 230. A compilation of the standard samples available, and the fee charged, is contained in NBS Circular 398, and Supplement thereto, which is available for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Requests for such samples should be made in writing to the National Bureau of Standards, Washington 25, D. C., specifying the number of the sample desired.

(60 Stat. 238; 5 U. S. C. Sec. 22 and 1002, Reorg. Plan No. 5 of 1950)

[SEAL] E. C. CRITTENDEN,  
Acting Director.

Approved:

CHARLES SAWYER,  
Secretary of Commerce.

[F. R. Doc. 50-7482; Filed, Aug. 23, 1950;  
8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1421, G-1428]

CITIES SERVICE GAS CO. AND OHIO FUEL  
GAS CO.

## NOTICE OF FINDINGS AND ORDERS

AUGUST 23, 1950.

In the matter of Cities Service Gas Company, Docket No. G-1421, and The Ohio Fuel Gas Company, Docket No. G-1428.

Notice is hereby given that, on August 22, 1950, the Federal Power Commission issued its findings and orders entered August 22, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 50-7460; Filed, Aug. 23, 1950;  
8:45 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

## ORDER POSTPONING HEARING

AUGUST 22, 1950.

On August 11, 1950, Phillips Petroleum Company (Phillips) filed a motion for a continuance of the hearing in this proceeding until January 2, 1951, upon the grounds that its preparation for the hearing would involve increased work by reason of the adoption by the Commission of its Order No. 154, and also upon the further grounds that its principal witnesses are key employees of vital importance in the production of war materials. A postponement for some time will be necessary because certain members of the Staff of the Commission will not be available for the hearing now set to commence on September 11, 1950. The Commission finds:

(1) The grounds asserted by Phillips for a continuance of the hearing in this proceeding upon the basis of the adoption by the Commission of its Order No. 154 are without merit, and its motion in this respect for a continuance should be denied.

(2) Since it is not convenient for principal witnesses of Phillips to be prepared for the hearing now set for September 11, 1950, and certain essential members of the Staff of the Commission assigned to this case are engaged in other proceedings and also require a postponement of the hearing now set for September 11, 1950, at Bartlesville, Oklahoma, a short continuance is necessary.

The Commission orders:

(A) The motion for continuance of hearing filed by Phillips on August 11, 1950, upon the grounds that the adoption by the Commission of its Order No. 154 increased the amount of work involved in the preparation of this case be and the same is hereby denied.

(B) The hearing in the above-entitled matter be and it is hereby postponed from September 11, 1950, to October 9, 1950, at the same time and place heretofore specified by our order.

Date of issuance: August 23, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 50-7483; Filed, Aug. 28, 1950;  
8:47 a. m.]

[Docket No. G-1231]

MISSISSIPPI RIVER FUEL CORP.

## NOTICE OF OPINION NO. 198-A AND ORDER

AUGUST 24, 1950.

Notice is hereby given that, on August 23, 1950, the Federal Power Commission issued its Opinion No. 198-A and order entered August 22, 1950, in the above-designated matter, supplementing Opinion No. 198 and order of July 28, 1950 (15 F. R. 5630), issuing temporary certificate of public convenience and necessity, and setting further hearings, to be held at 10:00 a. m., e. d. s. t., September 20, 1950, in the Hearing Room of the Federal

Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 50-7484; Filed, Aug. 23, 1950;  
8:47 a. m.]

[Project No. 682]

FLORIDA POWER CORP.

## NOTICE OF ORDER

AUGUST 24, 1950.

Notice is hereby given that, on August 23, 1950, the Federal Power Commission issued its order entered August 22, 1950, approving Exhibit L as part of the license in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 50-7485; Filed, Aug. 28, 1950;  
8:47 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 54-173]

PHILADELPHIA CO. AND STANDARD GAS AND  
ELECTRIC CO.

NOTICE OF FILING OF AMENDMENTS TO PLAN  
AND NOTICE AND ORDER RECONVENING  
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of August 1950.

I. On October 28, 1949, Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, filed with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), an Amended Plan for Simplification of Corporate Structure of the Philadelphia Company System ("Plan"). Philadelphia Company ("Philadelphia") is a subsidiary of Standard Gas and is also a registered holding company. For a statement of the various transactions there proposed, all interested persons are referred to said Plan, which is on file in the offices of the Commission, or to Holding Company Act Release No. 9493, where the proposed transactions are summarized.

On March 1, 1950, Standard Gas filed certain amendments to the Plan, and thereafter various applications and declarations, designed to carry into effect Steps 1 and 1A of the Plan, as then amended, were filed with the Commission by Standard Gas and certain of its subsidiaries. As a result thereof, there have since been consummated, pursuant to orders of the Commission, the transactions described in said Steps 1 and 1A, namely, (1) the combination of the gas properties in Philadelphia's holding company system under the ownership of Equitable Gas Company ("Equitable") and the issuance by Equitable to Philadelphia of \$17,500,000 principal

amount of Twenty-Year 3½% Sinking Fund Debentures of Equitable ("Equitable Debentures") and additional shares of the Common Stock of Equitable, and (2) the sale by Philadelphia of all of the Common Stock of Equitable and the application of the proceeds therefrom, to the extent required, to the redemption and retirement of the entire funded debt of Philadelphia, consisting of \$36,109,000 principal amount of Collateral Trust Sinking Fund Bonds and Collateral Trust Series Notes. For a more complete statement of these transactions, all interested persons are referred to Holding Company Act Release No. 9766.

Upon the completion of the transactions described in Steps 1 and 1A of the Plan, as amended, Philadelphia held the aforementioned \$17,500,000 principal amount of Equitable Debentures and a balance of approximately \$3,200,000 remaining from the proceeds realized from the sale of the Equitable Common Stock after payment of principal and premiums in retiring Philadelphia's funded debt. Thereafter, Philadelphia sold at competitive bidding \$11,000,000 principal amount of the Equitable Debentures and applied the proceeds, to the extent necessary, to the redemption of its \$6 Cumulative Preference Stock, aggregating 100,000 shares, at the redemption price of \$110 per share plus accrued and unpaid dividends. For a more complete statement of these transactions all interested persons are referred to Holding Company Act Release No. 9939.

II. Notice is hereby given that on July 12, 1950, further amendments, dated July 11, 1950, to the Plan, as amended, were filed by Standard Gas. These amendments supersede the previously filed amendments of March 1, 1950, except as to the aforesaid Steps 1 and 1A thereof, which have been consummated. All interested persons are referred to said further amendments, which are on file in the offices of the Commission, for a statement of the transactions therein proposed which are summarized below:

Steps 2 and 3 of the Plan, as now amended, relate primarily to changes in the capital structure of Duquesne Light Company ("Duquesne"), Philadelphia's electric utility subsidiary. In brief, Step 2 now provides for the creation by Duquesne of a new class of Preferred Stock, par value \$50 per share, in the authorized amount of \$40,000,000. This Preferred Stock will be issued in an aggregate amount of \$35,000,000 par value in two series. One series, bearing a dividend rate of 4 percent and aggregating in amount \$27,500,000 par value ("4 percent Series Preferred Stock"), will be sold to Philadelphia, and the other series, aggregating in amount \$7,500,000 par value ("Public Series Preferred Stock"), will be sold at competitive bidding pursuant to the provisions of Rule U-50, promulgated under the Act, with the bidding thereon to determine the dividend rate.

Duquesne will apply the proceeds from the sale to Philadelphia of the 4 percent Series Preferred Stock, together with general corporate funds and the proceeds of a bank loan to be obtained for the purpose, to the redemption and retirement of the presently outstanding \$27,500,000 par value of its 5 percent

Cumulative First Preferred Stock at the redemption price of \$110 per share plus accrued dividends. In addition, Duquesne will eliminate from its authorized capital stock all of its authorized First Preferred Stock, including the 5 percent Cumulative First Preferred Stock being redeemed, and all of its authorized Participating Preferred Stock, none of which is issued and outstanding.

Duquesne will also issue and sell, at competitive bidding pursuant to the provisions of Rule U-50, \$12,000,000 principal amount of First Mortgage Bonds, Series due August 1, 1980, with the coupon rate thereof to be determined by the bidding.

The consideration to be paid by Philadelphia to Duquesne in connection with the purchase of the 4 percent Series Preferred Stock will consist of \$27,200,000 in cash plus all of the outstanding capital stock of Cheswick and Harmar Railroad Company, a railroad whose principal business is the transportation of coal mined by Duquesne. Of the cash required by Philadelphia approximately \$8,200,000 will be derived from the remaining balance of the proceeds realized from the aforementioned sale of Equitable Common Stock and the balance will be secured from bank loans. The bank loans will consist of \$17,500,000 of 2 percent notes maturing in one year with options on Philadelphia's part, subject to receipt of this Commission's approval, to renew for two successive one-year periods at an interest rate of 2½ percent.

Step 3 of the Plan, as now amended, provides that upon consummation of the transactions included in Step 2, Philadelphia will invest in or contribute to Duquesne such amount, if any, as may be required in order that the common stock equity of Duquesne at the time shall be at least 30 percent of Duquesne's total capitalization and surplus.

The transactions included in Steps 2 and 3, as above summarized, have been authorized by the Pennsylvania Public Utility Commission and were approved by this Commission by order dated August 21, 1950. For a more complete statement of said transactions, all interested persons are referred to Holding Company Act Release No. 10044.

Step 4 of the Plan, as now amended, provides for the following action:

The presently outstanding Preferred Five Percent Stock of Philadelphia ("5 Percent Preferred Stock"), the Six Percent Cumulative Preferred Stock of Philadelphia ("6 Percent Preferred Stock"), and the 6 Percent Cumulative Preferred Stock of The Consolidated Gas Company of the City of Pittsburgh ("Consolidated Preferred Stock"), all of which stocks are noncallable, will be retired by Philadelphia by the delivery in exchange therefor of securities and cash as follows:

(1) For each share of 5 percent Preferred Stock the holder will receive \$11 in cash, plus cash in an amount equal to dividends accrued and unpaid to the effective date of Step 4.

(2) For each share of 6 percent Preferred Stock the holder will receive one share of the 4 percent Series Preferred Stock of Duquesne and cash in an amount as yet undetermined. Such amount will be determined and notice

thereof will be mailed to record holders of the 6 percent Preferred Stock, in advance of the hearing on Step 4, hereinafter ordered. Dividends will be adjusted by paying to each holder of 6 percent Preferred Stock the amount by which dividends accrued and unpaid on such stock to the effective date of this Step 4 exceed, or by deducting from the cash otherwise payable to such holder the amount by which such dividends are less than, dividends accrued to such effective date on the 4 percent Series Preferred Stock to be received in exchange for such 6 percent Preferred Stock.

(3) For each share of Consolidated Preferred Stock the holder will receive a portion of a share of the 4 percent Series Preferred Stock of Duquesne. The amount will be determined, and notice thereof will be mailed to record holder of the Consolidated Preferred Stock, in advance of the hearing on Step 4. Dividends will be adjusted as follows: If Step 4 is consummated at a time when accrued dividends at the rate of 4 percent per annum on the Consolidated Preferred Stock exceed dividends accrued on the 4 percent Series Preferred Stock to be received in exchange therefor, exchanging holders will receive cash in an amount equal to such excess. If, on the other hand, dividends accrued to the effective date of Step 4 on such 4 percent Series Preferred Stock exceed the dividends of the Consolidated Preferred Stock to be exchanged therefor, the distribution of such 4 percent Series Preferred Stock in exchange for Consolidated Preferred Stock will be deferred until the end of the current quarterly dividend period for the 4 percent Series Preferred Stock, at which time a cash adjustment on the basis above stated will be made in favor of exchanging holders of Consolidated Preferred Stock: *Provided, however*, That holders of such Consolidated Preferred Stock may elect to receive their 4 percent Series Preferred Stock prior to the end of such current quarterly dividend period by paying to Philadelphia the amount by which dividends accrued thereon to the date of exchange exceed dividends accrued to such date on the exchanged Consolidated Preferred Stock. No certificates for fractional shares of the 4 percent Series Preferred Stock will be issued, but in lieu thereof the holder of shares of Consolidated Preferred Stock will receive cash in an amount bearing the same proportion to \$50 as the fraction of a share of the 4 percent Series Preferred Stock, to which he would otherwise be entitled, bears to one full share of such stock, unless he shall elect to have Philadelphia round out to a full share the amount of 4 percent Series Preferred Stock which he is to receive, charging him for the necessary additional fractional interest on the basis of the market price for such stock. Philadelphia will render such service without fee or commission.

On the effective date of Step 4, Philadelphia will deposit with an exchange agent the 4 percent Series Preferred Stock and cash necessary to make the above-described exchanges, whereupon the holders of 5 percent and 6 percent Preferred Stock and Consolidated Pre-

ferred Stock shall cease to have any rights as stockholders of those companies and shall be entitled only to receive new securities and/or cash as aforesaid. Pending surrender of the certificates of the 5 percent and 6 percent Preferred Stocks and the Consolidated Preferred Stock the exchange agent will receive all dividends paid or payable on the 4 percent Series Preferred Stock. After five years from the date of deposit by Philadelphia of the 4 percent Series Preferred Stock, and cash, no more exchanges will be permitted, all of the rights of the holders of securities to be exchanged, as provided above will cease, and any 4 percent Series Preferred Stock or cash remaining with the exchange agent will be turned over to Duquesne. Not more than 60 nor less than 30 days prior to the expiration of each of the first five years after the consummation of Step 4, Philadelphia will give notice by mail and by publication that the rights of the holders of unexchanged 5 percent and 6 percent Preferred Stock of Philadelphia and Consolidated Preferred Stock will so terminate and expire.

It is stated that Duquesne will endeavor to procure the listing of its new Preferred Stock, 4 percent Series and Public Series, upon a national securities exchange within a reasonable time.

Step 5 of the Plan, as now amended, provides that the \$5 Cumulative Preference Stock of Philadelphia will be retired by Philadelphia by the delivery in exchange therefor of cash and/or securities. Standard Gas proposes to file a further amendment to the Plan, setting forth the precise allocations of cash and/or securities to be made to the holders of such stock and specifying the procedural details in connection with the distribution of such cash and/or securities and the retirement of such stock.

The funds required by Philadelphia for the cash payments necessary to carry out Steps 4 and 5 will be obtained from the balance of the proceeds of the sale of the above mentioned \$11,000,000 principal amount of Equitable Debentures now remaining in its hands, from the sale of the \$6,500,000 principal amount of Equitable Debentures which Philadelphia now retains, from the proceeds of the sale of any of the 4 percent Series Preferred Stock not used for the purposes of Step 4, and/or from a bank loan.

Philadelphia will pay such fees and expenses in connection with the Plan and all amendments thereto as the Commission may award, allow or allocate, other than fees and expenses in connection with the changes in the capital structure of Duquesne and the issuance of the 4 percent Series and Public Series Preferred Stock and First Mortgage Bonds by Duquesne, which shall be paid by Duquesne.

Consummation of the Plan as now amended is subject to further conditions, among which are the obtaining of all necessary approvals from regulatory agencies having jurisdiction, the securing of satisfactory tax rulings, and the entry by an appropriate court of a decree or order to enforce and carry out the terms of the Plan or any portion thereof.

III. The Commission being required by the provisions of section 11 (c) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby; and it appearing appropriate that notice be given and the hearing with respect to the Plan be reconvened, and that the Plan, as now amended, shall not become effective except pursuant to further order of the Commission:

*It is ordered*, That the hearing in these proceedings be reconvened, before the hearing officer heretofore designated, on September 26, 1950, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 193 will designate the room in which such reconvened hearing shall proceed.

*It is further ordered*, That any person desiring to be heard in or to intervene in these proceedings and who has not previously appeared herein, shall file with the Secretary of the Commission, on or before September 22, 1950, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Plan, as now amended, and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the Plan, as now amended or as it may hereafter be amended, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the Plan, as now amended or as it may hereafter be amended, is fair and equitable to the holders of the outstanding securities of Philadelphia and to all other persons whose interests in or whose claims against Philadelphia by reason of holdings of securities or otherwise may be affected thereby;

(3) Whether the incurring of a further bank loan by Philadelphia, in connection with Step 4 or Step 5 of the Plan, if such action is ultimately proposed, is appropriate, and whether its terms, when fixed, would meet the applicable standards of the act;

(4) Whether the terms and conditions of the sale by Philadelphia of \$6,500,000 principal amount of Equitable Debentures or of an undetermined amount of 4 percent Series Preferred Stock, or both, if such action is ultimately proposed, would meet the applicable standards of the act, including section 12 (d) thereof;

(5) Whether the fees, expenses and other remuneration which may be claimed for services rendered in connection with these proceedings are for necessary services and are reasonable in amount, and whether the proposed allocation thereof is appropriate;

(6) Whether the accounting treatment to be accorded the proposed transactions is appropriate and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

(7) Whether and to what extent the Plan, as now amended or as it may hereafter be further amended, should be required to be modified, or to have terms and conditions imposed, to insure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the act and the rules and regulations promulgated thereunder;

*It is further ordered*, That particular attention be directed at said reconvened hearing to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on all persons having heretofore entered an appearance in these proceedings, and on Standard Power and Light Corporation, The Federal Power Commission, and the City of Pittsburgh, Pennsylvania, and that notice of said reconvened hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases issued under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

*It is further ordered*, That Standard Gas shall give further notice of said reconvened hearing to all stockholders of Philadelphia and to the holders of the Consolidated Preferred Stock (insofar as the identity of such security holders is known or available), by mailing to each of said persons, at his last known address, at least 15 days prior to the date of said reconvened hearing, a copy of this notice and order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 50-7470; Filed, Aug. 28, 1950;  
8:45 a. m.]

[File No. 70-2444]

COLUMBIA GAS SYSTEM, INC. AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Cumberland proposes to issue and sell to Columbia \$1,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states the proceeds to be obtained through the issue and sale of said notes will be utilized by Cumberland to finance its 1950 construction program.

The Public Service Commission of West Virginia approved the issue and sale of the proposed 3¼ percent notes by order dated July 18, 1950.

Said joint application-declaration having been filed on July 20, 1950, and an amendment thereto having been filed on August 21, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

*It is ordered.* Pursuant to Rule U-23 and the applicable provisions of said Act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 50-7474; Filed, Aug. 28, 1950;  
8:46 a. m.]

[File No. 70-2442]

**COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS COMPANY OF WEST VIRGINIA**

**ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Natural Gas Company of West Virginia ("Natural Gas"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Natural Gas proposes to issue and sell to Columbia \$1,400,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th

of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Natural Gas to finance its 1950 construction program.

The Public Service Commission of West Virginia approved the issue and sale of the proposed 3¼ percent notes by order dated July 18, 1950.

Said joint application-declaration having been filed on July 20, 1950, and an amendment thereto having been filed on August 21, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

*It is ordered,* pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 50-7475; Filed, Aug. 28, 1950;  
8:46 a. m.]

[File No. 70-2453]

**MIDDLE SOUTH UTILITIES, INC., AND NEW ORLEANS PUBLIC SERVICE, INC.**

**ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE**

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its utility subsidiary, New Orleans Public Service Inc. ("New Orleans"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) thereof, and Rule U-43 thereunder, as applicable to the following transactions proposed by said companies:

New Orleans proposes to issue and sell 160,074 shares of its authorized and unissued common stock without nominal or par value. New Orleans proposes to offer said shares of common stock (in the ratio of 0.168 shares for each share held of record on a date to be determined by the board of directors of New Orleans) for subscription pro rata by the com-

mon stockholders of New Orleans at a cash price of \$25 per share which is the amount per share at which the issued and outstanding common stock is carried on the company's books. Subscription warrants (transferable to any assignee except to a dealer who takes the rights for the purpose of exercise and resale of the stock certificates obtainable by the exercise of such rights) expiring approximately 20 days after their issuance and evidencing such right to subscribe for the additional shares would be issued to all present holders of New Orleans common stock. Warrants in respect of fractions of a share would be issued entitling the holder, upon surrender thereof and of other warrants together aggregating one or more full shares, to subscribe to the number of full shares which such warrants shall together aggregate, but no subscription would be accepted for fractional shares. New Orleans proposes to appoint the Transfer Agent for its common stock Transfer Agent also for the subscription warrants and for fractional subscription warrants.

Middle South as the holder of 906,671.823 shares (95.15%) of New Orleans outstanding common stock proposes to purchase pursuant to the offering of said stock, 152,320 shares, the number of full shares to which it would be entitled pursuant to the pro rata offering.

Rights evidenced by subscription warrants which shall not have been exercised on or prior to the date of termination of the right, to be fixed by the board of directors of New Orleans as aforesaid, will expire and all rights evidenced by such subscription warrants shall thereupon terminate.

New Orleans states that the proceeds from the sale of the common stock proposed to be issued will be used for the construction of additions and betterments to its property and for general corporate purposes.

The application-declaration states that the proposed issuance and sale of New Orleans common stock as above described has been expressly authorized by the Commission Council of the City of New Orleans, which is asserted to be the only state regulatory body having jurisdiction over the issuance and sale of said shares of common stock.

Applicants-declarants having requested that the Commission's order herein issue as promptly as may be practicable and that any order authorizing the proposed transactions become effective upon issuance:

Said joint application-declaration having been filed on August 3, 1950 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said application-declaration within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the estimated fees and expenses are not unreasonable and that it is not necessary

to impose any terms and conditions other than those contained in Rule U-24, and, the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application be granted and that the joint declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 50-7472; Filed, Aug. 23, 1950;  
8:46 a. m.]

[File No. 70-2458]

UNITED GAS CORP. AND ELECTRIC BOND AND  
SHARE CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of August A. D. 1950.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its gas-utility subsidiary, United Gas Corporation ("United"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935. The application-declaration states that the contract proposed to be entered into shall not become effective until approved by the Commission or until that Commission shall have advised the companies that it is without jurisdiction with respect to the proposed contract. The nature of the proposed transaction is summarized as follows:

United and Bond and Share have entered into a contract with National Research Corporation ("National"), a non-affiliated company engaged in industrial research. Under the terms of the contract, National is to engage in certain research work in an effort to develop new processes or products based on natural gas and its constituents. Such services are to be performed by National at cost plus certain amounts for overhead as specified in the contract. The duration of the contract is to be until December 31, 1955.

Under the terms of the contract, United and Bond and Share will each contribute 50 percent of the costs of such research. The rights of the parties in all results of the work subject to the agreement are 40 percent each for Bond and Share and United, and 20 percent for National.

The contract provides that Bond and Share and United, between them, are committed to expend in each year on work to be done by National the following amounts:

1950... \$12,500 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1951... \$150,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1952... \$200,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1953... \$250,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1954... \$250,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

1955... \$250,000 times the number of full calendar months remaining in 1950 subsequent to the effective date of the agreement.

The contract provides that on or before October 1 of each year, National will submit a budget for the work to be done in the succeeding calendar year. If United and Bond and Share by December 1 of each year agree upon a program involving a budget of at least the amount shown in the above commitment for the succeeding calendar year then such program shall be adopted. If United and Bond and Share cannot agree upon such program then National is to proceed with the work and the amount of the budget for the succeeding calendar year shall be the amount set forth for such year in the above commitment.

The application-declaration states that expenditures by United and Bond and Share for any calendar year aggregating in excess of \$1,000,000 will not be made unless the companies shall have given the Commission at least ten days prior notice of their intention to make such expenditure, and (1) no notice shall have been given to the companies by the Commission within such ten day period that an application or declaration need be filed with respect to such expenditures, or that the Commission shall have given notice within such ten day period that no application or declaration is required; or (2) an application or declaration filed by the companies with respect to the transactions shall have been granted or permitted to become effective by order of the Commission.

United and Bond and Share further state that the transactions contemplated under the contract are limited to the actual research work to be done by National and the expenditure of funds by United and Bond and Share in connection with such research work, as distinguished from the commercial exploitation of any patents or inventions resulting from such research work, either by way of licensing under such patents, or by way of organizing a corporation or other joint venture for the purpose of using or working such patents.

Notice is further given that any interested person may, not later than September 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be ad-

ressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to the application-declaration which is on file in the office of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 50-7471; Filed, Aug. 23, 1950;  
8:45 a. m.]

[File No. 70-2460]

MISSISSIPPI GAS CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of August A. D. 1950.

Notice is hereby given that Mississippi Gas Company ("Mississippi"), a public utility subsidiary of Southern Natural Gas Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated section 7 of the act as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 7, 1950, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as filed or as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 7, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transaction as therein proposed which may be summarized as follows:

Mississippi proposes to issue and sell at par its unsecured note due one year after date in the principal amount of \$200,000, bearing interest at the rate of 2 percent per annum, to The Chase National Bank of the City of New York.

Mississippi states that the proceeds from the sale of said note will be used to pay for the construction of additions

to its properties and to reimburse its treasury for working capital previously used for the construction of such additions.

Mississippi estimates that its total expenses, including legal fees and miscellaneous expenses, will be approximately \$500.

Declarant states that the proposed transaction is not subject to the jurisdiction of any regulatory body other than this Commission.

The company requests that the Commission's order be made effective forthwith upon its issuance.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 50-7473; Filed, Aug. 28, 1950;  
8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 639, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14933]

GOTTHELF EMIL AND HEINRICH ERWIN  
LORENZ

In re: Currency and coin, bank accounts and interests in bank accounts owned by Gotthelf Emil Lorenz, also known as Emil Lorenz, and Heinrich Erwin Lorenz, also known as Erwin Lorenz; F-28-14930/C-1 and E-1, F-28-14931/C-1; E-1 and E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses are as follows:

#### Names and Addresses

Gotthelf Emil Lorenz, also known as Emil Lorenz, 3 Blumenthalstrasse, Berlin-Lichtenrade, Germany.

Heinrich Erwin Lorenz, also known as Erwin Lorenz, 10 Friedrichstrasse, Marburg/Lahn, Germany.

are residents of Germany and nationals of a designated enemy country (Germany):

2. That the property described as follows:

a. Currency and coin in the amount of \$11,630.44, as of December 31, 1949, held by Charles E. Lorenz, 426 Henderson Avenue, Williamstown, West Virginia, in a safety deposit box, Box Number 781-H, maintained by the aforesaid Charles E. Lorenz at the Safe Deposit Co. of Detroit, 660 Woodward Avenue, Detroit, Michigan.

b. That certain debt or other obligation of the National Bank of Detroit, 660 Woodward Avenue, Detroit, Michigan, arising out of a savings account, Account Number 16106, entitled "Charles E. Lorenz," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. An undivided one-third ( $\frac{1}{3}$ ) interest in that certain debt or other obligation of The Detroit Bank, State and Griswold Streets, Detroit, Michigan, arising out of a savings account, Account Number 6456, entitled "Charles E. Lorenz," maintained at the Grand River-Warren Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same.

d. An undivided one-third ( $\frac{1}{3}$ ) interest in currency and coin in the amount of \$5,448.15, as of December 31, 1949, held by Charles E. Lorenz, 426 Henderson Avenue, Williamstown, West Virginia, in a safety deposit box, Box Number 781-H, maintained by the aforesaid Charles E. Lorenz, at the Safe Deposit Co. of Detroit, 660 Woodward Avenue, Detroit, Michigan.

e. An undivided one-third ( $\frac{1}{3}$ ) interest in that certain debt or other obligation of The Citizens National Bank, 301 Second Street, Marietta, Ohio, arising out of a checking account, entitled "Hedwig Lorenz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of The Citizens National Bank, 301 Second Street, Marietta, Ohio, arising out of a checking account, entitled "Emil Lorenz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gotthelf Emil Lorenz, also known as Emil Lorenz, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided one-third ( $\frac{1}{3}$ ) interest in that certain debt or other obligation of The Detroit Bank, State and Griswold Streets, Detroit, Michigan, arising out of a savings account, Account No. 6436, entitled "Charles E. Lorenz", maintained at the Grand River-Warren Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. An undivided one-third ( $\frac{1}{3}$ ) interest in currency and coin in the amount of \$5,448.15, as of December 31, 1949, held by Charles E. Lorenz, 426 Henderson Avenue, Williamstown, West Virginia, in a safety deposit box, Box No. 781-H, maintained by the aforesaid Charles E. Lorenz, at the Safe Deposit Co., of Detroit, 660 Woodward Avenue, Detroit, Michigan, and

c. An undivided one-third ( $\frac{1}{3}$ ) interest in that certain debt or other obligation of The Citizens National Bank, 301 Second Street, Marietta, Ohio, arising out of a checking account, entitled "Hedwig Lorenz", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Erwin Lorenz, also known as Erwin Lorenz, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7444; Filed, Aug. 25, 1950;  
8:51 a. m.]

[Vesting Order 14995]

ALBERT OEHMICHEN

In re: Securities owned by and debt owing to Albert Oehmichen also known as Paul Albert Oehmichen. F-28-24627-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Oehmichen, also known as Paul Albert Oehmichen, whose last known address is Hohenzollernstrasse 41, (20a) Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three hundred (300) shares of no par common stock of the Atlantic Coast Line Railroad Company, 71 Broadway, New York City, evidenced by certificates numbered 46622, 42629 and 46072, presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with all declared and unpaid dividends thereon.

b. Two hundred (200) shares of \$5.00 par value common stock of the Electric Bond & Share Company, 2 Rector Street, New York, New York, evidenced by certificates numbered N120045 and N132676, presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with all declared and unpaid dividends thereon.

c. Thirty (30) Baltimore & Ohio Railroad Company  $4\frac{1}{2}\%$  Convertible Bonds,

due February 1, 1960, said bonds having an aggregate face value of \$30,000.00, bearing the following numbers:

285	28166	46635
8354	29777	47599
9418	32125	49338
10964	32969	52971
18525	34734	53808
19461	40051	59213
21951	40052	59214
26736	44612	59215
28164	44675	59216
28165	46465	61437

presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with any and all rights thereunder and thereto,

d. Eight (8) City of Milan, 6½% Bonds, 1952, having an aggregate face value of \$8,000.00 and presently in the custody of Hayden, Stone & Co., 25 Broad Street, New York 4, New York, for the account of Albert Oehmichen, together with any and all rights thereunder and thereto,

e. That certain debt or other obligation of Hayden, Stone & Co., 25 Broad Street, New York 4, New York, arising out of a credit balance on the books of the aforesaid Hayden, Stone & Co., for the account of Albert Oehmichen, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

f. Two (2) Fractional Certificates for Kingdom of Yugoslavia 5% Bonds, said certificates of \$15.00 face value each, bearing the numbers D3228 and F4318 and presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with any and all rights thereunder and thereto, and

g. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in a safe deposit box, numbered 954, located in the vaults of the First & Merchants National Bank of Richmond, Richmond, Virginia, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albert Oehmichen, also known as Paul Albert Oehmichen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

#### EXHIBIT A—BONDS

Description of bond issue	Bond Nos.	Face value
Republic of Chile 6-percent bonds.	M2336 M3995 M19650 M19651 M19652 M20441 M21733 M27133 M27134 M27164	\$10,000 U. S. currency (aggregate face value).
Kingdom of Yugoslavia 5-percent bonds.	M579 M583 C2333 C11240 C12936 C0995 C10832 C17415 C1437 C1391 C1390 C6821 C6616 C6087 C6144	\$3,300 U. S. currency (aggregate face value).
Kingdom of Serbs, Croats, Slovenes 7-percent bonds, series B.	M433 M9652 M11878 M14530 M19159 M17487 M7053 M15255 M18403 D115 D1190	\$10,000 U. S. currency (aggregate face value).
Piedmont Hydro Electric Co., 6¼-percent bonds, series A.	M7181 M7182 M3864 M6386 M2202 M6309 M6308 M6191 M732 M5806 M8977 M8976 M7683 M8894 M8895 M8908 M8909	\$17,000 U. S. currency (aggregate face value).
German Government International 5¼-percent loan bonds.	C17204 C17203 C17202 C17201 C17200 C26551 M9987	\$5,000 U. S. currency (aggregate face value).
Berlin City Electric Co., 6-percent debentures, 1955.	M4338	\$1,000 U. S. currency (aggregate face value).
Berlin City Electric Co., 6¼-percent debentures, 1951.	M3659	\$2,000 U. S. currency (aggregate face value).
Berlin City Electric Co., 6¼-percent debentures, 1950.	M11684 M783	\$2,000 U. S. currency (aggregate face value).
Rhine-Westphalia Electric Power Corp., 6 percent bonds, 1952.	M10606 M4805 M6209 M6210	\$4,000 U. S. currency (aggregate face value).
Rhine-Westphalia Electric Power Corp., 6 percent bonds, 1953.	M6 M16477	\$2,000 U. S. currency (aggregate face value).

[F. R. Doc. 50-7452; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14996]

PAULA OTTZENN

In re: Bank account owned by Paula Ottzenn. F-28-30370-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Ottzenn, whose last known address is Batzenhofen bei Angsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Banque Nationale Suisse Sub Account Ottzenn, Zurich, Switzerland, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paula Ottzenn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7453; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14997]

CARL ROEDER

In re: Bank accounts owned by Carl Roeder. F-28-30871-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Roeder, whose last known address is (1a) Berlin-Zehlendorf, Tel-tower Dam 65b bei Malchow, Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl Roeder, by Hoboken Bank For Savings, 101 Washington Street, Hoboken, New Jersey, arising out of a savings account, Account No. 201215, entitled Carl Roeder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Hoboken Bank For Savings, 101 Washington Street, Hoboken, New Jersey, arising out of a savings account, Account No. 230303, entitled Hoboken Bank For Savings Trustee for Carl Roeder, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Roeder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7454; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 15001]

TOZI UYEHARA

In re: Postal savings certificates owned by Tozi Uyebara, also known as Toji Uyebara.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tozi Uyebara, also known as Toji Uyebara whose last known address is Japan, is a resident of Japan and a

national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) United States Postal Savings Certificates issued July 23, 1928, bearing the Numbers D170744 of \$10.00 face value and B137765 of \$2.00 face value, registered in the name of Tozi Uyebara, a/c No. 52, said certificates presently in the custody of the Attorney General of the United States together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, Tozi Uyebara, also known as Toji Uyebara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7455; Filed, Aug. 25, 1950; 8:52 a. m.]

[Vesting Order 14918]

SUSAN BUCHANAN HESSLING

In re: Estate of Susan Buchanan Hessling, deceased. File No. D-7-470; E. T. sec. No. 2930.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Victor Waldemar Hessling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Susan Buchanan Hessling, deceased, is property payable or deliverable to, or

claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Mercantile-Commerce Bank & Trust Company, as executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7490; Filed, Aug. 28, 1950; 8:48 a. m.]

[Vesting Order 14935]

SEITARO AND FUKI NISHI

In re: Stocks, bonds and bank account owned by Seitaro Nishi and bank account owned by Seitaro Nishi and Fuki Nishi. D-39-9268, D-1, D-2, E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seitaro Nishi and Fuki Nishi, each of whose last known address is Nishiki, Kushimoto, Wakayama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-eight (28) shares of \$6.25 par value capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered P-64755 for nineteen (19) shares, G-32714, for six (6) shares, K-75852 for three (3) shares, registered in the name of Seitaro Nishi, and presently in the custody of Stock Transfer Department, Bank of America National Trust and Savings Association, 550 Montgomery Street, San Francisco, California, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of \$6.25 par value capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificate numbered B-16314 for ten (10) shares registered in the name of Seitaro Nishi, and presently in safe deposit box No. 732, at the branch office of The Anglo California National Bank, San Francisco, California, located at 1560 Fillmore Street, San Francisco, California, together with all declared and unpaid dividends thereon.

c. Fifty (50) shares of \$2.00 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered SFE 92423 for one hundred (100) shares of no par value capital stock of the aforesaid Corporation, registered in the name of Seitaro Nishi, and presently in safe deposit box No. 732, at the branch office of The Anglo California National Bank, San Francisco, California, located at 1560 Fillmore Street, San Francisco, California, together with all declared and unpaid dividends thereon, and any and all rights to exchange said certificate for a new certificate for \$2.00 par value capital stock of the aforesaid Corporation.

d. Five (5) Tokyo Dento Kabushiki Kaisha First Mortgage Gold Bonds, 6% Dollar Series, due 1953, of \$1000.00 face value each, bearing the numbers 26535, 29524, 62975, 62976, and 67293, and presently in safe deposit box No. 732, at the branch office of The Anglo California National Bank, San Francisco, California, located at 1560 Fillmore Street, San Francisco, California, together with any and all rights thereunder and thereto;

e. That certain debt or other obligation of The Anglo California National Bank, San Francisco, California, arising out of a savings account, account number 14342, entitled Seitaro Nishi, maintained at the branch office of the aforesaid bank located at 1560 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Seitaro Nishi, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 1528 Fillmore Street, San Francisco, California, arising out of a savings account, account number 18449, entitled Seitaro Nishi, trustee for Mrs. Fuki Nishi, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Seitaro Nishi and Fuki Nishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[P. R. Doc. 50-7491; Filed, Aug. 28, 1950;  
8:48 a. m.]

[Vesting Order 14946]

CHEMICAL MARKETING CO. AND AMERICAN  
CYANAMID & CHEMICAL CORP.

In re: Agreement dated November 14, 1939, as amended May 14 and 22, 1941, by and between Chemical Marketing Co., Inc., and American Cyanamid & Chemical Corporation.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Detusche Gesellschaft fur Schadlingsbekämpfung, m. b. H., whose last known address is Frankfurt-am-Main, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chemical Marketing Co., Inc., and Deutsche Gesellschaft fur Schadlingsbekämpfung, m. b. H., by virtue of an agreement dated November 14, 1939 (including all modifications thereof or supplements thereto, including, but not limited to, an amendment dated May 14 and 22, 1941) by and between the American Cyanamid & Chemical Corporation and Chemical Marketing Co., Inc., which agreement relates to Zyklon Discoids,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[P. R. Doc. 50-7492; Filed, Aug. 28, 1950;  
8:45 a. m.]

[Vesting Order 14952]

MRS. ONATSU AKIYAMA

In re: Rights of Mrs. Onatsu Akiyama under insurance contract. File No. D-39-2230-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Onatsu Akiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 027 248, issued by the New York Life Insurance Company, New York, New York, to Mrs. Onatsu Akiyama, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7493; Filed, Aug. 28, 1950;  
8:48 a. m.]

[Vesting Order 14953]

HANS ALBERT

In re: Rights of Hans Albert under insurance contract. File No. F-28-4316-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Albert, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4 125 154 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Hans Albert, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Hans Albert be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7494; Filed, Aug. 28, 1950;  
8:49 a. m.]

[Vesting Order 14956]

KARL BURKLIN

In re: Rights of Karl Burklin under Insurance Installment Certificate. File No. F-28-26651-H-9.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Burklin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under Installment Certificate No. D-92520-T, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Karl Burklin, together with the rights to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7496; Filed, Aug. 28, 1950;  
8:49 a. m.]

[Vesting Order 14954]

CHRISTIAN BEYER

In re: Rights of Christian Beyer under insurance contract. File No. F-28-28161-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Beyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4 861 569 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Christian Beyer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7495; Filed, Aug. 28, 1950;  
8:49 a. m.]

[Vesting Order 14958]

SAIECHI FURUHARA

In re: Rights of Saiechi Furuvara under Insurance Contract. File No. F-39-6729-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saiechi Furuvara, whose last known address is Japan, is a resident of

Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Disability Supplemental Adjustment Certification No. 50195 issued by the Equitable Life Assurance Society of the United States, New York, New York to Tahel Furuha, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-7497; Filed, Aug. 28, 1950;  
8:49 a. m.]

[Vesting Order 500A-271]

#### COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively,

of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue,

whether arising pursuant to law, contract or otherwise, with respect to the foregoing.

e. All rights of renewal, reversion or reversioning, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

#### EXHIBIT A

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright No.	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
Unknown	Beethoven's Leben in autographischen Bildern und Texten. 1925.	Stephen Ley (nationality not established).	Bruno Cassirer, Berlin, Germany (nationality, German).	Owner.

[F. R. Doc. 50-7498; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-272]

#### COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the

works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of

the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A.

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing.

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing.

e. All rights of renewal, reversion or reversioning, if any, in the foregoing.

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

No. 167—6

## EXHIBIT A

Column 1 Copyright No.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Vom Doctor Faustus zu Goethes Faust. (Herausgegeben mit Unterstützung des Goethe Nationalmuseums in Weimar), 1932.	Franz Neubert (nationality not established).	J. J. Weber, Leipzig, Germany (nationality, German).	Owner.
Do.....	Richard Wagner, 1933 (being part of the series "Die grossen Meister der Musik").	Dr. Ernst Bücken (nationality not established).	Akademische Verlagsgesellschaft Athenaeon m. b. H., Potsdam, Germany (nationality, German).	Do.

[F. R. Doc. 50-7499; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-273]

### COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights), are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A.

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and

of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing.

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing.

e. All rights of renewal, reversion or reversioning, if any, in the foregoing.

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

## NOTICES

## EXHIBIT A

Column 1 Copyright No.	Column 2 Title of works	Column 3 Names and last known nationalities of authors (or composers)	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
E. For. 1938 (new entry to correct E. For. 17479).	Sag mir Darling, Sag mir Liebling, Sag mir Dul (Lied) 1931.	Bert Reisfeld and Mart Fryberg (pseud. Martin Friedberg) (United States citizens) and Rolf Marbot (pseud. Albrecht Markuse) (nationalities, German).	Musikverlag "City" Tumbchenweg 20, Leipzig, Germany (nationality, German).	Rolf Marbot (pseud. Albrecht Markuse) and owner.
E. For. 1939 (new entry to correct E. For. 17851).	Sag mir Darling, Sag mir Liebling, Sag mir Dul (Orch. Stimmen, mit o. Organ Direction, Violino I Direction, u. Text) 1931.	Bert Reisfeld and Mart Fryberg (pseud. Martin Friedberg) (United States citizens) and Rolf Marbot (pseud. Albrecht Markuse) and arrangement by Gerhard Mohr (nationalities, German).	do	Rolf Marbot (pseud. Albrecht Markuse) and Gerhard Mohr and owner.
E. For. 17479 (entry abandoned in favor of E. For. 1938).	Sag mir Darling, Sag mir Liebling, Sag mir Dul (Waltz u. Lied) 1931.	Bert Reisfeld (United States citizen) and Wicket Schmid-Seder and Rolf Marbot (pseud. Albrecht Markuse) (nationalities, German).	do	Wicket Schmid-Seder and Rolf Marbot (pseud. Albrecht Markuse) and owner.
E. For. 17851 (entry abandoned in favor of E. For. 1939).	Sag mir Darling, Sag mir Liebling, Sag mir Dul (Waltz, Orch. Stimmen, mit P.F.) 1931.	Bert Reisfeld (United States citizen) and Wicket Schmid-Seder and Rolf Marbot (pseud. Albrecht Markuse) and arrangement by Gerhard Mohr (nationalities, German).	do	Wicket Schmid-Seder and Rolf Marbot (pseud. Albrecht Markuse) and Gerhard Mohr and owner.

[F. R. Doc. 50-7500; Filed, Aug. 28, 1950; 8:49 a. m.]

[Vesting Order 500A-274]

## COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof:

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works de-

scribed in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or reversion, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of

any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

## EXHIBIT A

Column 1 Copyright No.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown....	Volksmusik der Rumänen von Maras-mures, 1923.	Beha Bartok (nationality not established).	Drei Masken Verlag A. G., München, Germany (nationality, German).	Owner.

[F. R. Doc. 50-7501; Filed, Aug. 28, 1950; 8:50 a. m.]

[Return Order 712]

MRS. MARY PAVLIK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any

increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. Notice of Intention To Return Published, and Property

Mrs. Mary Pavlik, Chicago, Illinois, Claim No. 38892, July 14, 1950 (15 F. R. 4479); \$1,395.95 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 50-7502; Filed, Aug. 28, 1950;  
8:50 a. m.]

[Return Order 713]

TITLE GUARANTEE AND TRUST CO. AND  
EMMA A. C. H. SCHRADER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Title Guarantee and Trust Company of the City of New York, New York, Ancillary Executor under the will of Emma A. C. H. Schrader, deceased, Claim No. 5284; July 4, 1950 (15 F. R. 4254); \$20,747.18 in the Treasury of the United States. A four-sevenths (4/7) share of all rights and interests evidenced by Mortgage Participation Certificate No. 136,789, issued and guaranteed by the Bond and Mortgage Guarantee Company under Mortgage P 977 (181723). This property is now represented by Certificate No. 18,447 in the face amount of \$3,359.93 issued by The Manufacturers' Trust Company, New York, New York, as Trustee for the benefit of the holders of mortgage certificates, registered in the name of the Alien Property Custodian, Washington, D. C., Account No. 28-16275, presently in the possession of the Office of Alien Property, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 50-7503; Filed, Aug. 28, 1950;  
8:50 a. m.]

GIUSEPPINA PAGLIARO CANDIDO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giuseppina Pagliaro Candido, Maddaloni, Italy, Claim No. 37125; \$618.82 in the Treasury of the United States. All right, title and interest of Giuseppina Pagliaro Candido, also known as Giuseppina Pagliaro Candido, also known as Giuseppine Pagliaro Candido, in and to the estate of Samuel Candido, deceased.

Executed at Washington, D. C., on August 23, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 50-7504; Filed, Aug. 28, 1950;  
8:50 a. m.]

